

OIA-2016-2479

16 June 2016

**Ms Tiana Scott**

[fyi-request-4087-3b7cda97@requests.fyi.org.nz](mailto:fyi-request-4087-3b7cda97@requests.fyi.org.nz)

Dear Ms Scott

I refer to your email of 31 May 2016 requesting, under the Official Information Act 1982 (OIA), the following information regarding sexual assaults in the New Zealand Defence Force (NZDF):

- 1. The statistics on the number of reported assaults (sexual assault complaints and sexual harassment complaints) from 30 June 2015 to currently with a breakdown of whether it was Army, Navy or Air Force*
- 2. Any information regarding the process of making a sexual assault complaint, the process that someone has to go through to get a conviction and how the NZDF is involved in court proceedings*
- 3. What are you currently doing to prevent sexual assault from occurring in the Defence Force? What are your prevention policies or how are you educating your personnel?*

Attached are five enclosures. Enclosure 1 details contacts with Defence Force Anti-Harassment Advisors (AHAs), managers or commanders from 1 July 2015 to 31 May 2016, where a member of the NZDF has sought advice about sexual harassment. The data in Enclosure 1 does not necessarily mean that a formal complaint was received or that there is a case of sexual harassment to answer. In many of the cases raised with AHAs it is appropriate for the person to seek support to deal with their concern directly, informally and at a low level. Some of the gender data is missing because demographic details are often intentionally left unrecorded to protect the identity of the parties where a formal complaint has not been made.

Enclosure 2 details sexual assault and sexual harassment complaints involving Defence Force personnel that have been reported to the Military Police from 30 June 2015 to 31 May 2016.

Since December 2014, Military Police have held tri-Service responsibility for reporting and recording incidents of sexual harassment that are referred to the Military Police, and all incidents of sexual assault by members of the Defence Force's Regular Force. This has improved access to internal sexual assault and harassment information. Before December 2014, such information was recorded and maintained by each individual Service. Accordingly, data from the Royal New Zealand Navy and Royal New Zealand Air Force up to December 2014 only show incidents where convictions were recorded. The New Zealand Police are

under no obligation to advise the Military Police of the outcome where a case is transferred to the New Zealand Police, or being investigated by them.

Most of the convictions recorded (in Enclosure 2), were made under the Armed Forces Discipline Act 1971 and the Defence Force's Discrimination, Harassment and Bullying policy. In cases of sexual violation, the Defence Force does not have jurisdiction to prosecute offences within New Zealand unless it obtains permission from the Attorney-General. In relation to other cases of sexual offending, such as indecent assaults, prosecution depends on the facts of each case as there is generally concurrent jurisdiction with the New Zealand Police.

### ***Process for making a sexual assault complaint***

New Zealand Defence Force personnel can make a complaint of sexual assault directly to the New Zealand Police; to the Military Police; to a Commander/Manager or to any other person. From 30 June 2016 it will be possible for members of the Armed Forces to choose to make a 'restricted' disclosure to a Regional Sexual Assault Prevention and Response Advisor (SAPRA). Victims/survivors will be able to contact a SAPRA to access specialist support and information without this automatically leading to an investigation.

### ***How the NZDF is involved in court proceedings***

Where a sexual assault complaint is investigated by the New Zealand Police and prosecuted by the civilian courts, the NZDF will have little to do with the court proceedings directly. Of course, assistance will be provided to the New Zealand Police and the prosecutor as far as the NZDF is able (for example, releasing people for attendance as witnesses). Support will be provided to those involved, and where the defendant is a member of the NZDF the case will be monitored and appropriate administrative action taken at the conclusion of the proceedings. In the civilian jurisdiction, the process for members of the NZDF is no different than that for members of the public in respect of the New Zealand Police and courts.

The NZDF has a military justice system which allows for the prosecution of members of the Armed Forces summarily within their command chain and, for more serious offending, in the Court Martial. This process is governed by the Armed Forces Discipline Act 1971 (AFDA) and the Court Martial Act 2007. Where an allegation of offending is made against a member of the Armed Forces, the NZDF may investigate utilising the Military Police, or other investigators. In some cases the matter may be referred to the New Zealand Police; however this will depend on the nature of the offending and on how close the link to the NZDF is (for example did the alleged offending occur on NZDF property, or were both parties members of the NZDF?). In some cases the decision as to whether a matter is dealt with by the NZDF or the New Zealand Police will depend on where the initial complaint was made.

If the matter is to be dealt with using the military justice system, the outcome of any NZDF investigation will be provided to the accused's Commanding Officer (CO). The CO will determine, pursuant to section 102 of the AFDA, whether the allegation is well-founded. If he or she determines it is, then it will be referred to an appropriate civilian authority, referred to the Director of Military Prosecutions (DMP) or dealt with

by way of Summary Trial. If the matter is referred to the DMP, then a decision will be made as to whether to pursue the charges on the Court Martial. In making that decision the DMP will consider both the evidence and the public interest in remanding the charge, guided by the Solicitor-General's Guidelines. If the charges are remanded to the Court Martial then the process continues much as it would in the civilian jurisdiction.

It is difficult to quantify what a complainant would have to 'go through to get a conviction' as this will vary from case to case. As in the civilian jurisdiction, there are many variables, including whether the charge is defended, often requiring the complainant to give evidence, or, if it is sentencing only, where the victim may provide a victim impact statement to aid the court.

### ***Chief of Defence Force's Response***

From my perspective as the Chief of Defence Force, even one allegation of sexual violence within our Defence Force, is one too many.

These results have made me angry, and they have made me even more determined to change our Defence Force for the better.

The data provided, and more importantly the victims that the data represents, has been one of the major drivers of the programme of work the NZDF has been implementing in recent years in response to this issue.

I include in this note the timeline *The Road to 'Operation Respect'* which outlines the deliberate steps that the NZDF has taken to address sexual assaults and other forms of unwanted sexual behaviours since February 2014 (Enclosure 3).

As you can see, significant work has been ongoing. This is an issue we as a Defence Force have committed to standing beside and we've undertaken as an organisation to respond comprehensively.

But clearly we still have some way to go before we stamp out behaviours that run so counter to our values. For this reason, in March of this year we launched our "Operation Respect" Action Plan, the culmination of two years work to tackle inappropriate and harmful sexual behaviours.

The Action Plan commits our Defence Force to new activity, as well as accelerating change already underway. Attached for your information is the Action Plan (Enclosure 4) and the press release issued in March launching Operation Respect (Enclosure 5).

This Action Plan was driven by two imperatives – looking after Defence Force people, and recruiting and retaining more military women.

The Action Plan contains six key action areas:

1. Establishing a strategy to change the NZDF's culture and behaviours to challenge persistent sexism and better integrate women into our Defence Force;

2. Increasing training including a sexual ethics and healthy relationships training package, and holding 'town halls' across camps and bases to discuss inappropriate sexual behaviour;
3. Implementing a restricted disclosure system by 30 June, 2016, to offer an alternative way to report sexual assault;
4. Introducing a dedicated, professional sexual assault response team;
5. Addressing issues associated with specific risk factors including facilities and alcohol; and
6. Increasing the percentage of women in our armed forces, and the representation of women in senior leadership roles.

Our Defence Force's response to this issue is similar to the 'Broken Windows' response to crime, where even minor violations will be jumped on, so that we build a community where it is abundantly clear to everyone what we expect, and what we don't.

Research we have undertaken has highlighted some areas where our people have told us they feel more uncomfortable and vulnerable than others – when alcohol is being consumed; and around some outmoded initiations into sporting clubs and the like. As an organisation we are looking closely at those, to be absolutely clear as to what our expected standards are.

We will continue to expand our training around these types of issues, especially what we call 'bystander training' – where any person can make a difference when they see and hear things that just aren't right.

Our senior leaders are collectively behind this. Over 100 of the New Zealand Defence Force's most senior military and civilian leaders have committed to reducing inappropriate and unwanted sexual behaviour in our military. They gathered in Wellington in April for a senior leaders' symposium, the first significant step delivering Operation Respect. They agreed to lead Operation Respect.

This month we brought together a group of around 50 'change champions' from across the Defence Force, and in June they will help our senior leaders run meetings focused on this issue at every camp and base that will be compulsory for every member of our Defence Force to attend.

Together, the intent is to knock this on the head and say "not in our Defence Force."

Giving the victims of inappropriate sexual behaviours the confidence to come forward is also a focus of the Action Plan. Research has revealed that for some victims the prospect of formal command investigations was a barrier to coming forward and accessing help.

So from 30 June of this year our service people will be able to make a disclosure to a specialist team, and receive support, without that information automatically triggering a formal investigation. Only if the victim wants to proceed with a formal complaint, will the information be passed to authorities, in the first instance normally the NZ

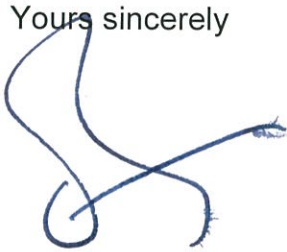
Police, for investigation. This more victim-centric approach has been used successfully by other militaries.

As victims gain greater confidence that they can trust the system and will be well supported, we would expect to see a rise in reported incidents like those you've inquired about, over the near term.

Operation Respect goes to the core of the kind of Defence Force we want to be. I will be holding our Defence Force accountable for making this change.

I trust this satisfies your request for information.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'T.J. Keating', written over a white background.

**T.J. KEATING**

Lieutenant General

Chief of Defence Force

**Enclosures:**

1. Defence Force HR sexual harassment records in the New Zealand Defence Force from 1 July 2015 to 31 May 2016
2. Military Police Sexual assault complaints involving NZDF personnel that have been reported to the Military Police from 1 July 2015 to 31 May 2016
3. The Road to 'Operation Respect'
4. New Zealand Defence Force Operation Respect Action Plan
5. Chief of Defence Force press release

DEFENCE FORCE HR SEXUAL HARASSMENT RECORDS 1 JUL - 31 DEC 2015				
No.	Service	Brief detail	Complainant	Outcome
1	Army	Sexual harassment and bullying	Female	Assisted by command chain
2	Army	Sexual harassment and verbal abuse	Female	Investigated and assisted by command chain
3	Navy	Inappropriate comment and behaviour	Female	Investigated and addressed by command chain
4	Navy	Inappropriate language and behaviour	Female	Investigated and addressed by command chain
5	Navy	Inappropriate comments	Female	Investigated and addressed by command chain
6	Navy	Inappropriate behaviour and unwanted physical contact	Female	Interventions delivered. Ongoing monitoring by command chain
7	Navy	Command alerted to possible inappropriate behaviour	Female	Command reiterated expected standards
8	HQNZDF	Sexual harassment and unwanted attention	Female	Resolved informally and addressed by command chain

DEFENCE FORCE HR SEXUAL HARASSMENT RECORDS 1 JAN - 31 MAY 2016				
No.	Service	Brief detail	Complainant	Outcome
1	Navy (ship)	Historical inappropriate and offensive behaviour	Female	Ongoing
2	HQJFNZ	Sexual harassment and bullying	Female	Assisted by command chain and ongoing

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MILITARY POLICE DATA 1 JUL – 31 DECEMBER 2015						
No.	Service	Offence summary	Gender of victim	Investigative agency/remarks	Outcome/status	
1	Army	Sexual violation/Rape	Female	Matter handled by NZ Police	Ongoing	
2	Army	Sexual violation/Rape	Female	Matter handled by NZ Police	Ongoing	
3	Australian Defence Force (ADF)	Sexual violation/Rape	Female	Historic offending 2000. Complaint raised 2015. Member of ADF allegedly assaulted by a member of NZDF in an overseas location.	Military Police not advised of outcome	
4	Navy	Sexual violation/Rape	Female	Matter handled by NZ Police	Ongoing	
5	Air Force	Sexual/indecent assault	Female	Serious Investigation Branch investigation	Military summary trial – Guilty	
6	Air Force	Sexual violation/Rape	Female	Matter handled by NZ Police	Ongoing	
7	Air Force	Sexual violation/Rape	Female	Matter handled by NZ Police	Ongoing	



MILITARY POLICE DATA 1 JAN – 31 MAY 2016					
No.	Service	Offence summary	Gender of victim	Investigative agency/remarks	Outcome/status
1	Army	Sexual violation/Rape	Female	Matter handled by NZ Police	Ongoing
2	Army	Sexual/Indecent assault	Female	Serious Investigation Branch investigation	Ongoing
3	Army	Sexual/Indecent assault	Female	Matter handled by NZ Police	Ongoing
4	Air Force	Sexual misconduct	Female civilian	Matter handled by NZ Police	Ongoing
<b>Sexual harassment complaints</b>					
5	Army	Sexual Harassment	Male	Serious Investigation Branch investigation	Ongoing

## • The Road to 'Operation RESPECT'

February 2014 – Ministry of Defence's review into the treatment of women in the New Zealand Defence Force *Maximising Opportunities for Military Women in the New Zealand Defence Force* published.

February 2014 – New Zealand Defence Force develops and implements 90-minute Bystander Intervention training programme across camps and bases.

October 2014 – New Zealand Defence Force's first ever Sexual Assault Prevention and Management Seminar is held in Wellington.

Late 2014 – New Zealand Defence Force developed the More Military Women programme of work, incorporating the recommendations from the 2014 Ministry of Defence Report.

December 2014 – Vice Chief of Defence Force approved the establishment of the New Zealand Defence Force Sexual Assault Prevention and Management Governance Group.

January 2015 – A discrimination, harassment and bullying survey is introduced into all initial military training courses. Results from the surveys show that overall, both male and female recruits felt safe in their environment.

March 2015 – Two-year Work Plan developed by the Sexual Assault Prevention and Management Governance Group.

March 2015 – Rape Prevention Advocate Louise Nicholas presents to Headquarters New Zealand Defence Force.

June 2015 – New Zealand Defence Force Specialist Sexual Assault Advisor position established.

July 2015 – Rape Prevention Advocate Louise Nicholas and Sexual Violence Prevention consultant Russell Smith presented at the Air Force Leadership Forum.

July 2015 – Accident Compensation Corporation facilitated a sexual assault process-mapping workshop with NZDF sexual assault responders.

September 2015 – Air Force Culture Review commissioned and research by Tiaki Consultants commences.

October 2015 – Chief of Defence Force becomes a White Ribbon Ambassador, committing NZDF to be a leader in the message that violence against women will not be tolerated.

December 2015 – Interim sexual assault response model distributed to New Zealand Defence Force commanders and managers.

December 2015 – New Zealand Defence Force commissioned report on options for the confidential disclosure of sexual assault received.

February 2016 – Specialist training on sexual assault investigations for Serious Investigation Branch personnel commences.

February 2016 – Visit from Canadian lead for Operation HONOR to assist with Operation RESPECT planning.

March 2016 – Air Force Culture Review completed as part of the Sexual Assault Prevention Management Work Plan.

→ **March 2016 – Operation RESPECT launched across the NZDF.**



**NEW ZEALAND DEFENCE FORCE**

**OPERATION RESPECT**

**ACTION PLAN**

FOR

ENSURING AN INCLUSIVE AND SAFE ENVIRONMENT

FOR ALL PERSONNEL

## Acknowledgement

The New Zealand Defence Force acknowledges the influence that the Canadian Armed Forces, the Australian Defence Forces and the United States Armed Forces sexual assault prevention strategies and associated documentation have had on the development of a New Zealand Defence Force response to inappropriate sexual behaviour, and thanks them for their permission to adopt and adapt their work.

## Introduction

Sexual violence is an exceptionally complex and conspicuous problem in New Zealand. The New Zealand Defence Force is not immune, and acknowledges that it has an issue that requires addressing. Instances of inappropriate sexual behaviour strike at the heart of the most important part of the New Zealand Defence Force - its people. The harm, both on an individual level and to the organisation can be acute and can impair organisational efficiency and capability. It impacts choices of future recruits and has implications on the retention of the current force.

This is a cultural issue that demands that individuals at all levels take ownership. Changing the culture of an organisation, though challenging, is possible. But...it will take much more than an hour of training, a slick awareness campaign, or an inspiring, colourful poster. Everyone has to play their part. Everyone has a role in creating a professional work environment that promotes dignity and respect. People join the military to be a part of something greater than themselves. They should never fear for their safety within the ranks.

In December 2014 the Chief of Defence Force, Lieutenant General Tim Keating directed the establishment of the Sexual Assault Prevention and Management Governance Group, which instituted a two year work plan. In September 2015 (in line with the Sexual Assault Prevention and Management Work Plan) the Sexual Assault Prevention and Management Governance Group commissioned an independent external review to examine inappropriate sexual behaviour in the Royal New Zealand Air Force. In the days following the submission of this external review titled "Air Force Culture Review 2015", the leadership of the New Zealand Defence Force accepted and acknowledged the existence of the problem, and have taken swift and tangible action to address it. On 07 February 2016 the Chief of the Defence Force formed the Operation RESPECT Project Team which was tasked to:

- Produce an implementation plan for the delivery of a 'Restricted Disclosure of Sexual Assault' system for uniformed military members.
- Develop a work stream to deliver swift results targeting the recommendations from recent reviews.
- Identify key aspects of the current Sexual Assault Prevention and Management work stream that can be accelerated for delivery within two - six months.
- Develop a pathway to deliver longer term actions that influence the culture of the New Zealand Defence Force.

The following are the results of this work and the steps described in this Action Plan have been initiated.

Creating a new structure to respond more effectively to complaints of inappropriate sexual behaviour and to support victims, while not the goal, is an important step along the way to ensuring a culture that is free from harmful sexualised behaviour. The introduction on 30 June 2016 of a Sexual Assault Response Team is a means to respond effectively to inappropriate sexual behaviour, but not an end itself. The next vital steps will raise more testing challenges, such as transforming ingrained attitudes and rebuilding trust. However challenging, the course is set for significant, fundamental cultural change. The Chief of Defence Force has rightly taken the lead on this issue, making it a personal task - he has made it clear that inappropriate sexual behaviour of any kind is repugnant and has no place in the New Zealand Defence Force. The Chief of the Defence Force and his executive leadership team understand the urgency and the importance of this issue.

The emphasis is now on proactively and systematically transforming the culture of the New Zealand Defence Force in order to allow *all* members to operate to their full capability. The presence of harmful, inappropriate sexual behaviour within the New Zealand Defence Force impacts on the organisation's ability to achieve its mission. It destroys the inherent trust and cohesion amongst personnel that is at the heart of an effective fighting force, and critically such abhorrent behaviour weakens New Zealand Defence Force operational capability. For the safety of individuals and for the effectiveness of the organisation, the New Zealand Defence Force is moving decisively to eliminate this behaviour and fundamentally change its culture to prevent recurrence, and to ensure a mutually respectful, inclusive and safe environment for *all*.

Operation RESPECT is an organisation-wide military operation launched by the Chief of the Defence Force to eliminate harmful and inappropriate sexual behaviour in the New Zealand Defence Force. This Action Plan outlines the overarching strategy and framework, and the specific tasks and timeframes required to achieve this objective.

## The Strategy

Similar to the Canadian Armed Forces, the strategy developed to address inappropriate sexual behaviour in the New Zealand Defence Force involves response along four major lines of operation designed to *Understand, Respond, Support* and *Prevent*. The strategy is a coordinated effort to review and develop policies, programmes, education, training, and victim support. Central to this, and clearly the most challenging aspect of this endeavour, is the requirement to influence and change culture across the organisation. This will require sustained effort and influence at all levels of the New Zealand Defence Force.

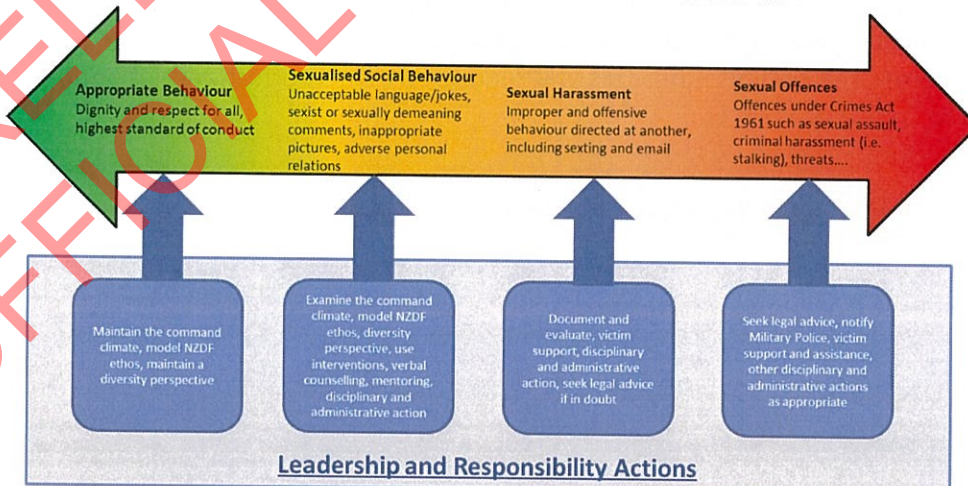


[Model adapted from the Canadian Armed Forces Action Plan on Inappropriate Sexual behaviour, 30 April 2015.]

This Action Plan supports the strategy for the ongoing New Zealand Defence Force response to address harmful and inappropriate sexual behaviour. It consists of four distinct but inter-related lines of effort; **understanding** the issue, **responding** to incidents of harmful and inappropriate sexual behaviour, **supporting** victims, and **preventing** occurrences. It is an integrated holistic approach to the problem, and progress will be measured throughout implementation, and the effort will be sustained over the long term.

To address harmful and inappropriate sexual behaviour across the organisation, the New Zealand Defence Force must enhance reporting and improve the overall response to incidents of harmful and inappropriate sexual behaviour. As a priority, the New Zealand Defence Force will deliver effective and sensitive support to victims. The development of long-term prevention initiatives is crucial. These combined efforts will help ensure that the long-term vision for the New Zealand Defence Force is attained and maintained, thus upholding a culture of dignity and respect for everyone.

### The Continuum of Sexual Behaviour



[Continuum adapted from the Canadian Armed Forces Progress Report Addressing Inappropriate Sexual Behaviour, 01 February 2016.]

This strategy is about ensuring a comprehensive, ongoing approach that delivers developmental education and training throughout people's careers. It demands a culture of dignity and respect that is inherent to our core values. It will develop people who demonstrate courageous leadership and promote a safe and healthy environment, with a hard line response to inappropriate behaviour.

## Organisational Context

The foundation of any military is the ability to respond swiftly to challenging situations. The readiness of personnel is a function of many factors, and includes a high degree of physical and mental fitness and team cohesion. Harmful and inappropriate sexual behaviour significantly erodes the cohesion necessary for the successful achievement of military tasks. It is from this standpoint that harmful and inappropriate sexual behaviour is an operational readiness issue, incongruent with organisational ethos and values.

## Key Stakeholders

Responsibility and accountability for the implementation of this Action Plan is not simply the responsibility of one unit/team. All New Zealand Defence Force personnel are being tasked with deliverables that span from immediate action to longer term achievements. The response is an integrated, systems-based approach with designated leaders. However, the responsibility for the success of this operation resides with New Zealand Defence Force leadership. The Chief People Officer provides strategic direction to the Operation RESPECT project team, in collaboration with the New Zealand Defence Force chain of command, to coordinate the implementation of the six Actions outlined in this plan and the Operation RESPECT tasks across New Zealand Defence Force.

A comprehensive communications campaign has commenced with all senior leaders being brought together to hear consistent, clear and direct information about the mission and the Action Plan from the Chief of the Defence Force, the Command Warrant Officer, the three single Service Chiefs, and the Chief People Officer.

The specified mission is to eliminate harmful and inappropriate sexual behaviour within the New Zealand Defence Force. Any form of harmful and inappropriate sexual behaviour is a threat to the morale and operational readiness of the New Zealand Defence Force. It undermines good order and discipline, it is inconsistent with the values of the profession of arms and the ethical principles of the New Zealand Defence Force, and it is wrong.

Predators and bullies are not welcome in the New Zealand Defence Force and commanders and leaders throughout the organisation have been reminded that they must take decisive action to deal with harmful and inappropriate sexual behaviour.

## Action Plan – Phasing

Operation RESPECT is a whole-of-New Zealand Defence Force effort leveraging New Zealand Defence Force leadership at all levels to stop harmful and inappropriate sexual behaviour and provide better support to affected personnel. The Chief People Officer was tasked to initiate the development of policies, education, training, and additional support for affected personnel in concert with key stakeholders across the organisation. Operation RESPECT is being executed in four phases:

**Phase One** - the initiation phase requires the completion of a comprehensive strategy and associated Action Plan to address the recommendations of the “Reviews” and develop the mandate, governance and operational model of the Sexual Assault Response Team. At the same time, the accelerated stand-up of an alternative mechanism to report (Restricted Disclosure system), and the development and introduction of an information management system is to occur and be operational by 30 June 2016. Coupled with these actions, the Executive Leadership will partake in a Chief of Defence Force-lead symposium aimed to ensure full understanding and acknowledgement of the issue. ‘Town Halls’ will be conducted across all New Zealand Defence Force camps and bases to ensure all personnel are aware of Operation RESPECT and to open dialogue around harmful sexual behaviour.

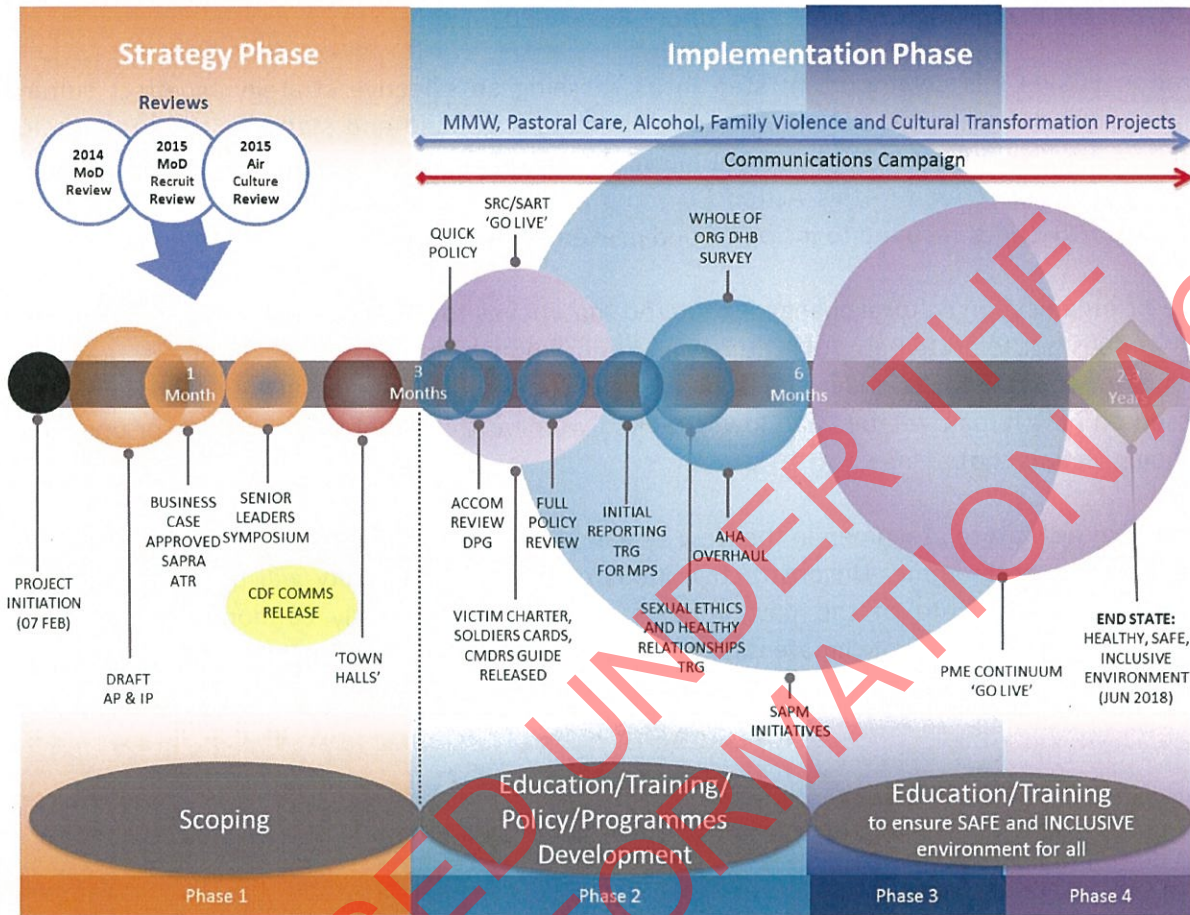
**Phase Two** - to be completed by 31 August 2016, requires commanders to personally oversee the communication and application of discipline and orders and policies specifically in relation to harmful and inappropriate sexual behaviour. Concurrent with this, the Sexual Assault Prevention and Management Work Plan initiatives will be accelerated where possible, and recommendations from the “Reviews” will be implemented. The Operation RESPECT project team will transition to the Strategic Response Centre, responsible for the on-going development and implementation of the strategy and associated Action Plan.

**Phase Three** - will see the release of revised policies and the delivery of targeted training to all New Zealand Defence Force personnel. The effectiveness of all of the initiatives and activities will be measured and results will be reported to the Chief of the Defence Force by 1 April 2017.

**Phase Four** - to be completed by 01 June 2018, requires that the Strategic Response Centre coordinating functions be absorbed into a New Zealand Defence Force that is better oriented, educated and trained to administer them in a manner that is fully consistent with organisational values and ethos.



## Project RESPECT Timeline



### Implementing the Action Plan

The following section describes actions that are underway in the aim to ensure that the New Zealand Defence Force is a safe and inclusive environment for all. A significant part of Operation RESPECT is opening the dialogue, having the conversations about inappropriate sexual behaviour with all military members regardless of rank, and for them to understand the impact this behaviour has on individuals, the workplace and the operational effectiveness of the organisation. This will be conducted across all camps and bases. These sessions will inform personnel about the seriousness of the problem and the New Zealand Defence Force's approach to dealing with it, as well as providing valuable and personal insight on how harmful and inappropriate sexual behaviour impacts on personnel.

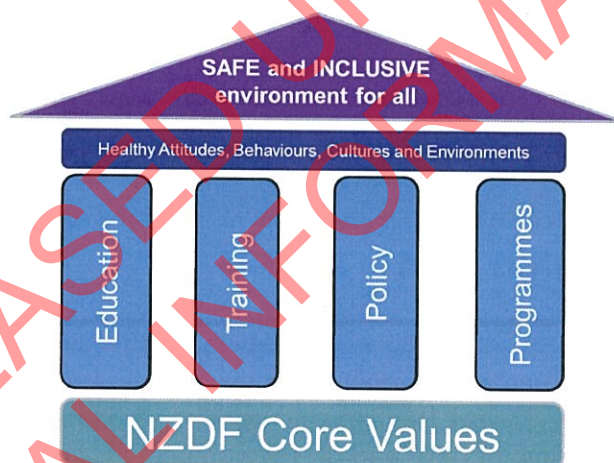
The following six Actions are recommendations resulting from three significant reviews undertaken in the New Zealand Defence Force over the past three years – Ministry of Defence, *'Maximising opportunities for Military Women in the New Zealand Defence Force'*, February 2014 ("Ministry of Defence Review 2014"); Ministry of Defence, *'Recruit training – Assessing the Quality of recruit training in the New Zealand Defence Force'*, October 2015 ("Ministry of Defence Recruit Review 2015"); and, Tiaki Consultants, *'Air Force Culture Review 2015'*, ("Culture Review 2015").

**Action 1:** Establish a strategy to effect cultural change to eliminate the sexualised environment and to better integrate women (implicit in all three Reviews) + Implement a hard-line approach to sexism as a key to a prevention strategy (Culture Review 2015).

Operation RESPECT is an important step in establishing an effective strategy to effect cultural change in the New Zealand Defence Force – directing a defined end state for the organisation where the working environment is free of harmful and inappropriate sexual behaviour. The high-level strategy is described in this Action Plan and it defines four lines of effort; understand the issue, support victims, respond to incidents and prevent future occurrences.

Whole-of-organisation cultural change is required that moves towards positively respecting women and that does not tolerate harmful attitudes and behaviours towards anyone. The perpetuation of sexual harm appears to be underpinned by misogynistic attitudes and behaviours, predominantly focussed on new female recruits and lower-ranked women (this is not to understate or underplay men being victims too).

Challenging the stature of women in the New Zealand Defence Force is crucial to the success of this cultural change programme. Unconstructive ideas of bias and inequality will be eradicated. This behaviour in the climate of the past appears to have inadvertently condoned inappropriate behaviour and misogyny. That climate is no longer tenable.



[Model adapted from the United States Air Force Sexual Assault and prevention Strategy, 2015]

**How?** Recognising that cultural change takes time, understanding that sustained leadership engagement which is reinforced by enhanced education and training, will ensure that lasting cultural change can be effected quickly and sustained. What leadership chooses to focus on can have an immediate impact. The Chief of Defence Force will direct his leaders to convey his intent to their subordinates, which includes a more consistent approach to existing rules and regulations that address inappropriate behaviour. The Operation RESPECT project team will lead the review, and the clarification and strengthening of current policies and programmes. Overall, New Zealand Defence Force leadership will be held accountable for maintaining a command climate that sets clearer boundaries on what constitutes acceptable and unacceptable behaviour.

This is a phased (out to three years) cultural change Action Plan based on Education, Training, Policy and Programme initiatives. Sexual assault prevention policy, programmes, education and training

will be delivered across all camps and bases throughout the New Zealand Defence Force. These aim to reduce attitudinal, behavioural, experiential and cultural risk factors and are built upon the New Zealand Defence Force core values of Courage, Commitment and Comradeship. Educating the entire New Zealand Defence Force on sexual assault prevention will assist with ensuring the links to mission readiness are apparent; that is, it has a direct, negative impact on mission readiness. It will assist in the development of the powers of reasoning and judgement associated with sexual assault prevention. Through education the aim is to build a culture where positive bystander involvement is automatic and a high degree of peer support exists, thus all personnel can serve as victim advocates. Coupled with this, training personnel is important too, so that all are equipped with the skills necessary to take action when appropriate to stop a sexual assault before it happens. The collaborative development and implementation of sound, consistent policy will provide safeguards and set expectations through defined solutions of known situations, while ensuring consistent application. Programmes will be developed to fill gaps where policy, education and training cannot reach all personnel.

**Action 2:** *Establish a new structure with oversight for the management and response of sexually harmful behaviour (Culture Review 2015)*

A new victim-centric response system that is efficient, accessible, coordinated and confidential for people disclosing harm is required. It needs to be independent, impartial, and coordinated by an experienced unit/organisation with specialist training and agreed/transparent processes.

A management system also needs to be developed as a way of gathering information that identifies patterns or repeated concerns about individual's, unit, or organisation behaviour. This data can then be analysed and information used to drive behavioural change and assist with education and training initiatives.

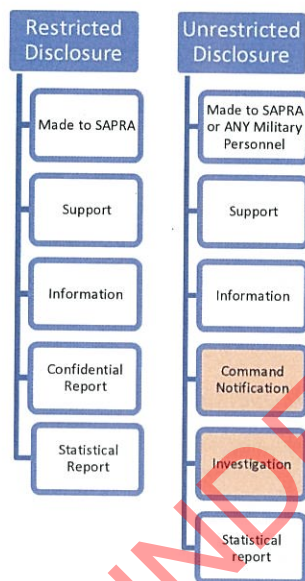
### Victim Centric Response Model



**How?** The New Zealand Defence Force will introduce a ‘two-track’ response to sexual assault. At the strategic level a Strategic Response Centre at Headquarters New Zealand Defence Force will be established by 30 June 2016 and be responsible for collating statistical information. On the basis of identified trends, intervention opportunities will be developed as a strategic response to cultural change. The Strategic Response Centre will be lead by an existing senior management position within Defence Human Resources, and the establishment of a full time National Sexual Assault

Advisor. The Strategic Response Centre will be governed by a steering group, whose membership constitutes external subject matter experts, led by Vice Chief of Defence Force.

## Two-Track Reporting – Sexual Assault



An alternative mechanism to report sexual assault for uniformed military members (outside of the chain of command) will be implemented (Restricted Disclosure system) by 30 June 2016. Military personnel who wish to report a sexual assault will be able to do this through regionally based Sexual Assault Response Advisors. All victims reporting through Sexual Assault Prevention and Response Advisors will be able to make a restricted or unrestricted disclosure. A restricted disclosure is otherwise known as a confidential disclosure. This will allow victims to have the incident recorded and get support without an investigation. Restricted disclosures will not be reported to command unless the victim decides to change the report to an unrestricted disclosure. Unrestricted disclosures will be reported to command and Military or New Zealand Police.

Restricted disclosures can only be made by the victim of a sexual assault to a Sexual Assault Prevention and Response Advisor. All other military personnel who witness or become aware of a sexual assault must report it in the manner prescribed in the Armed Forces Discipline Act and Defence Manual 69 - Manual of Armed Forces Law.

**Action 3:** *Recruit more women (Culture Review 2015) + Recruit the best personnel by focusing on a broader potential candidate pool (Ministry of Defence Review 2014).*

The reviews suggest that a higher proportion of women are associated with lower levels of harmful sexual behaviours. Increased recruitment and retention of women will assist a culture shift away from harmful sexual behaviour. It was recommended that the New Zealand Defence Force develop and implement: an active attraction strategy for female applicants; establish measures of success; review marketing and attraction material for appeal to women, with specific attention to underrepresented trades; increase resources or engagement with prospective recruit; conduct

research to systematically explore barriers for women; and, assess physical fitness standards and testing.

**How?** The New Zealand Defence Force has made it a priority to increase the percentage of female's joining the organisation. A number of initiatives commenced in 2015 have already realised an improvement in the percentage of female applicants and, more importantly, improved the percentage of females attested. Some of those initiatives include refining the recruiting process, improving marketing material to incorporate more positive female roles, and running events to increase women's knowledge about a career in the New Zealand Defence Force (Force Equip: Resilience in Women, videos, Frequently Asked Questions, profiles of women in Defence) and boost confidence in their ability to succeed (Force Fit, Force Fit 2 and training sessions in some regions, female role models). There is currently a 'Recruiting Optimisation' project underway as the New Zealand Defence Force continues to build on recent successes.

**Action 4:** *Further reduce discrimination, harassment and bullying, particularly in recruit training (Ministry of Defence Review 2014) + Monitor harassment, bullying and discrimination trends to identify trends and support interventions (Ministry of Defence Recruit Review 2015)*

**How?** Since the beginning of 2015, the New Zealand Defence Force Equity and Diversity cell has administered the Ministry of Defence-designed behavioural-based personal safety survey on each single Service Regular Force Recruit Course and Joint Officer Induction Course. The findings are analysed centrally and trends and recommendations for improvement are provided to Command. This survey will continue to be the main tool for monitoring inappropriate behaviour and enabling targeted prevention and response activity. During a recent Ministry of Defence review evidence of effective cultural change was found, proving that change can take place quickly when Commanders act swiftly and decisively in response to survey results.

**Action 5:** *Increase training (Culture Review 2015).*

Training may include: 'Dealing with Disclosure' workshops for all personnel; 'Responding to Disclosures' for those employed in the Sexual Assault Response Team; screening for harm and how to ask questions about sexual harm for all health and support professionals; and, intensive and on-going training for Commanders who are likely to be the recipients of formal reports of sexual harm.

**How?** Targeted workshops will be delivered to wellbeing providers. For example, Defence Health is working with Doctors for Sexual Abuse Care to design workshops for delivery to Health personnel in September/October 2016. The training will include ways to deal with sexual assault disclosures and may include targeted screening for sexual harm.

'Town Halls' will be held across all camps and bases. The intent of the 'Town Hall' is to open dialogue about sexual assault and inappropriate sexual behaviour. Discussion will include standards of acceptable behaviour, application of values, bystander intervention – everyone's role and responsibility, disclosure of sexual assault - how to respond appropriately, and the obligation to act (as a peer and as a commander/leader).

A sexual ethics and healthy relationships training package is being developed in consultation with external subject matter experts and will be implemented across the New Zealand Defence Force.

The training aims to provide an environment in which New Zealand Defence Force personnel can openly talk and learn about healthy relationships, unwanted sexual contact and avenues for seeking help. As a result of this training New Zealand Defence Force personnel are expected to demonstrate improved attitudes and behaviours towards violence and unwanted sexual contact, recognise high risk situations, seek help and be ethical bystanders.

The New Zealand Defence Force Sexual Assault Prevention Advisor has delivered training to Military Police Serious Investigation Branch personnel on interviewing and sexual assault. A 90-minute Unconscious Bias training package is currently being piloted and will be made available across New Zealand Defence Force camps and bases from 30 June 2016. The aim of this training is to reduce the negative impact of unconscious and unintended gender discrimination and harassment.

**Action 6:** *Manage risk* (Culture Review 2015).

The review recommended addressing the risk associated with facility arrangements, availability and misuse of alcohol, and deployment (where women are a significant minority) in order to reduce harm.

**How?** Defence Property Group will ensure all barrack rooms are able to be secured properly – all rooms will be fitted with security chains and access to hallways in barracks will be reviewed with a view to restricting access to only those who reside there. Induction rituals will be reviewed, with a view to banning them completely. New Zealand Defence Force policy and practices for Host Responsibility will be reviewed. Opportunities to deploy (whether on exercise or operations) will be viewed through a gender lens, to ensure safety arrangements and other requirements are in place.

## Conclusion

The intention of this Action Plan is that it will assist the New Zealand Defence Force to improve its culture of dignity and respect for *all* personnel, at the same time ensuring that the highest professional standards are maintained. A culture of dignity and respect will thrive when destructive behaviour and misconduct are not tolerated, nor tacitly condoned. Progress is only demonstrated when individuals exercise social courage and intervene in the face of inappropriate behaviour.

Some personnel may be disinclined to admit the seriousness of inappropriate sexual behaviour within the New Zealand Defence Force; however commanders and leaders are responsible for eliminating it from their units. Leader's effect organisational culture and it is their responsibility to ensure that they have a constructive effect. They play a crucial role in shaping and reinforcing culture, by influencing how it develops though what they focus on. All New Zealand Defence Force personnel must continue to work proactively to better understand the issue, support victims, respond to incidents and ultimately prevent future occurrences.

This cultural change is a moral imperative, an operational imperative – resolute trust and cohesion between all personnel will ensure we continue to be successful in operations both within New Zealand and around the world. The Chief of Defence Force will, as a priority, support victims of inappropriate sexual behaviour and he will hold leadership accountable for not only their own conduct, but significantly that of their personnel.

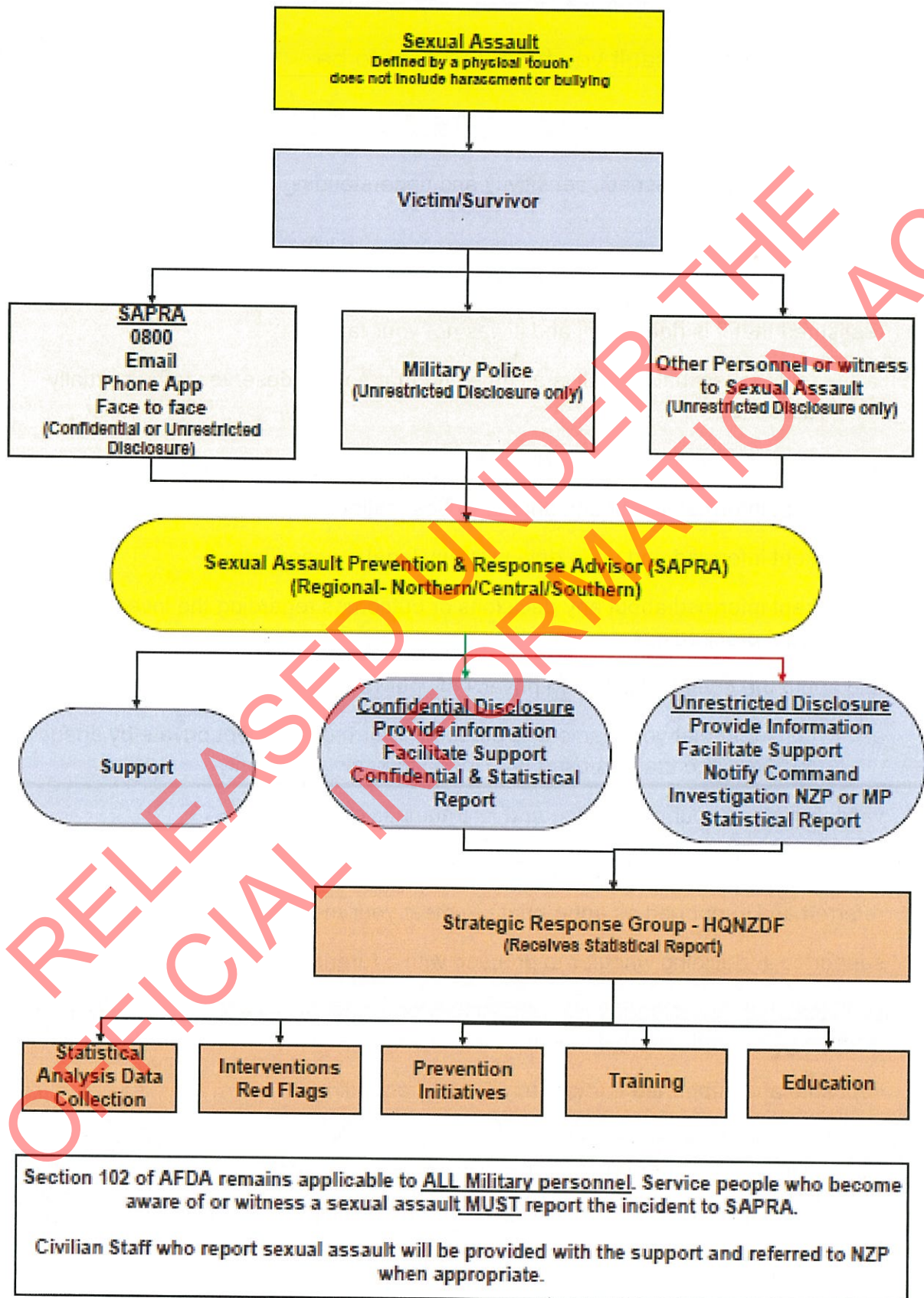
# NZDF Victims of Sexual Assault Charter

As a victim of sexual assault you have the right to be:

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1. heard and believed
2. treated with dignity, respect, sensitivity and understanding
3. empowered
4. protected from contact with the alleged offender
5. reassured that it is right to tell and it was not your fault
  - a. told that sexual assault is a crime and that no one deserves to be sexually assaulted
6. given relevant and accurate information
  - a. kept informed about any ongoing investigation
  - b. kept informed and up to date with any legal proceedings
  - c. kept informed about any decisions or outcomes regarding the investigation or legal proceedings
7. told about the confidentiality and privacy of your records
  - a. confident that your name and personal information is kept private by agencies involved and that it is used on a 'need to know' basis only
8. validated about your experience and its traumatic effect
9. encouraged to accept further support
10. referred and supported as appropriate to meet your medical needs
11. supported in deciding whether to proceed with a forensic examination or not
12. confident that your property, should it taken for further investigation or as evidence, is looked after and returned to you
13. kept safe and supported through any Court proceedings
14. accepted back in to the workplace without any fear or victimisation or ostracism and with the support structures to ensure your ongoing safety
15. confident that your ongoing posting and promotional opportunities will not be affected by reporting a sexual assault.

## Sexual Assault Response Model (after 30 JUNE 2016)







## Media Release

15 March 2016

### **“OPERATION RESPECT” ABOUT CREATING A ZERO TOLERANCE APPROACH TO INAPPROPRIATE BEHAVIOUR**

The New Zealand Defence Force today launched Operation RESPECT, the culmination of two years of work to tackle inappropriate and harmful sexual behaviours in the New Zealand Defence Force.

Chief of Defence Force, Lieutenant General (LTGEN) Tim Keating, said the Action Plan has been driven by two imperatives – looking after the Defence Force’s people and recruiting and retaining more military women.

“Two years ago the Ministry of Defence produced a ground-breaking report *Maximising Opportunities for Military Women*, which challenged us to lift our game on a number of fronts,” says LTGEN Keating.

“As a Defence Force we responded with new approaches to recruiting, retaining and supporting our women in uniform. But we knew that work wouldn’t be complete until we had also confronted our underlying culture and its implication for women’s success and safety.

“New research we’ve commissioned shows that being a woman in our Defence Force is still harder than it should be. There continue to be pockets of people that think it acceptable to belittle, ridicule and at its worst, harass and even assault their colleagues.

“That’s unacceptable. We have a Defence Force we can be proud of. Any actions like this diminish us both in the eyes of our personnel and in the eyes of the public, who rightly demand we have the highest standards.

“Operation RESPECT systematically responds, and accelerates changes we need to make to be a better Defence Force.”

The Operation RESPECT Action Plan results from three reviews and a significant work programme: the Ministry of Defence’s *Maximising Opportunities for Military Women in the NZDF* review (2014), the Ministry’s Recruit Training review (2015), a

review of Air Force culture, and the ongoing work of the NZDF's Sexual Assault Prevention and Management governance group.

"The intent of the Operation RESPECT Action Plan is that it will assist the NZDF to improve its culture of dignity and respect for all personnel."

The Action Plan contains six key action areas:

1. Establishing a strategy to change the NZDF's culture and behaviours to challenge persistent sexism and better integrate women into our Defence Force;
2. Increasing training including a sexual ethics and healthy relationships training package, and holding 'town halls' across camps and bases to discuss inappropriate sexual behaviour;
3. Implementing a restricted disclosure system by 30 June, 2016, to offer an alternative way to report sexual assault;
4. Introducing a dedicated, professional sexual assault response team;
5. Addressing issues associated with specific risk factors including facilities and alcohol.
6. Increasing the percentage of women in our armed forces, and the representation of women in senior leadership roles;

LTGEN Keating said the NZDF is today releasing the Operation RESPECT Action Plan, and the documentation informing the Action Plan -- the already-public Ministry of Defence's reports, and the Air Force Culture Review.

"The Air Force review involved the interview of 23 people in the Air Force but the conclusions are relevant to the whole NZDF. This review is another piece of evidence that confirms the path we were already on as an organisation responding to these issues.

"Our people's responses point to behaviours persisting by some that are not acceptable, and I am pleased that this Action Plan is being implemented as quickly as possible to address these issues across the NZDF.

"Our Defence Force's response to this issue will be similar to the 'Broken Windows' response to crime where even minor violations will be dealt with, so that we build a community where it is abundantly clear to everyone what we expect, and what we don't.

"We all have a part to play to stop such unwarranted and unwanted actions. That's consistent with living our values of courage, commitment and comradeship.

"My message internally is a simple one: we will be taking a zero tolerance approach to those who cannot live by our values," says the LTGEN Keating.

**ENDS**

For further information contact the Defence Public Affairs: 021 487 980

MINISTRY OF DEFENCE MAXIMISING OPPORTUNITIES FOR MILITARY WOMEN IN THE NZDF

MINISTRY OF DEFENCE RECRUIT TRAINING REVIEW

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