Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Québec: listening, reconciliation and progress

Summary Report

Commission d'enquête sur les relations entre les Autochtones et certains services publics

Québec

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NOTE TO READERS

In keeping with the Indigenous languages, the Commission has endeavoured to reconcile the terminology used with the spelling preferred by the Indigenous peoples themselves. As such, the names used to designate the First Nations communities are those used in the Indigenous languages. The same goes for the nations. The unchanging nature of certain Indigenous words (e.g. Inuit) has also been observed.

The term First Nations includes the Abénakis, Anishnabek (Algonquins), Atikamekw Nehirowisiw, Eeyou (Cree), Hurons-Wendat, Innus, Malécites, Mi'gmaq, Mohawks and Naskapis. The expression Indigenous peoples designates First Nations and Inuit collectively.

This document provides a summary of the report only. For information on some or all of the facts studied or proved, together with the social and legal analysis underpinning the calls for action, please refer to the Commission's final report.

This publication was drafted following the work of the Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Québec: listening, reconciliation and progress.

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TABLE OF CONTENTS

CHAPTER 1

COMMISSION: MANDATE AND WORK CARRIED OUT

In 2015, not long after the Royal Canadian Mounted Police released a report stating that 1,181 Indigenous women and girls had gone missing in Canada over a 30-year period, the *Enquête* television program on Radio-Canada went to Val-d'Or to meet the parents of Sindy Ruperthouse, aged 44, who had been missing since spring 2014. The news story broadcast on October 22, 2015 was not limited to that case, however. In front of the camera, about 10 Indigenous women reported being abused by police officers from the Sûreté du Québec (SQ) assigned to Val-d'Or between 2002 and 2015. The shock wave caused by those public disclosures triggered a series of events that would lead to the creation of the Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Québec: listening, reconciliation and progress on December 21, 2016.

According to the government order, the Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Québec: listening, reconciliation and progress (the Commission) was given the following mandate:

> [...] to investigate, ascertain the facts and make analyses with a view to making recommendations as to the concrete, effective and sustainable measures to be implemented by the Gouvernement du Québec and by the Aboriginal authorities to prevent or eliminate, regardless of their origin or cause, any form of violence or discriminatory practices or differential treatments in the provision of the following public services to the Aboriginals of Québec: police services, correctional services, justice services, health and social services and youth protection services.[1]

The order also specifies that the inquiry must cover the last 15 years.

1.1. Interpretation of the mandate

While the "Val-d'Or events" spurred the creation of the Commission, the Commission's mandate was to shed light on the issues that characterize relations between Indigenous peoples and the providers of certain public services throughout Québec.

In concrete terms, the mandate consisted of assessing whether the treatment of Indigenous peoples in the delivery of public services was marked by violence or discriminatory practices. The underlying question was to determine whether Indigenous peoples were treated differently by public services due to their distinctive characteristics, and whether this generated injustices, particularly with respect to the services provided, and hindered them in exercising their rights. It was also important to establish whether such observations

1 *Order concerning the establishment of the Commission d'enquête sur les relations entre les Autochtones et certains services publics au Québec : écoute, réconciliation et progrès,* (2016) 1095 G.O.Q. II, p. 24.

stemmed from isolated acts or were the result of systemic ways of acting and of thinking, i.e. rooted in the organizations and fuelled by their operating logic.

Under the order adopted by the Québec government, it was impossible for me to make decisions about anyone's civil, penal or criminal liability. That rule applied to both individuals and organizations. At no time did I try to replace the work done by a court of law or any other regulatory agency. My role was, rather, to draw conclusions from facts and form opinions but also, and more importantly, to suggest actions to ensure that similar situations would not happen again.

Inspired by the concepts of listening and reconciliation at the heart of my mandate, I endeavoured to give as much leeway as possible to citizens and public service representatives in expressing their reality. For example, I chose to let the witnesses relate the facts as they had lived or experienced them without applying the usual rules for questioning and cross-examination. That decision was motivated by the particularly sensitive character of the events that led to the creation of the Commission, their highly emotional nature and the very real risk of further victimizing individuals who were already in an extremely fragile state.

In other words, I used the prerogatives available to me in terms of processes and rules of evidence to make it easier to shed light on certain events and understand their impacts on the people concerned. Like a hand reaching out – which I like to consider to be a premise for reconciliation – this guideline was reflected in the way our inquiry was conducted, in the support offered to the people who came to testify and also in the hearing room. This approach, which was mentioned many times during our proceedings, helped ensure that the stakeholders' various points of view were expressed fairly because it was implemented among Indigenous citizens as well as public service representatives. It was also very valuable during the subsequent analysis because of the depth and abundance of the testimonies received and the unique spotlight the stories cast on the prevailing atmosphere.

1.2. Work progress

The Commission held hearings for 38 weeks, between June 5, 2017 and December 14, 2018. A total of 765 witnesses testified at these hearings, 277 of whom were citizen witnesses. A certain number of witnesses also testified via statements filed as evidence (423).

The stories we heard tell of experiences that took place in both urban and First Nations communities. Many cases have also been reported in Nunavik. It is also important to emphasize that the incidents that led to the creation of the Commission (Val-d'Or events) were not systematically the subject of the testimonies. The choice of whether or not to revisit the events and come to testify at a hearing was left to the sole discretion of the complainants.

The majority of the hearings were held in Val-d'Or. I deemed it appropriate to organize public hearings in Montréal (4 weeks), Uashat mak Mani-Utenam (3 weeks), Mistissini (2 weeks), Québec City (2 weeks), Kuujjuaq (1 week) and Kuujjuarapik (1 week). The hearings led to 1,367 documents deemed relevant to the inquiry being filed as evidence.

In the course of investigation, 1,047 testimonies by people from all the nations were collected. A number of them were deemed inadmissible with regard to the Commission's mandate (109), and nearly 20 were more relevant to other government bodies (19), such as the Commission des droits de la personne et des droits de la jeunesse and the Bureau des enquêtes indépendantes. In addition, by the end of the exercise, 190 instances of discontinuance were recorded. The Commission benefited from an Indigenous relations team to facilitate initial contact. Serving as a link to the communities, from May 2017 to August 2018, the team met with more than 3,000 people. By the end of the exercise, all 11 nations had been visited, as well as nearly all First Nations communities and villages in Nunavik. Several meetings were also held with the urban Indigenous populations.

As soon as the work began, I also invited the public to participate in the Commission's work by submitting briefs on the phenomena being studied during the public hearings, as well as on possible solutions. In total, 36 briefs were received. Each brief was analyzed and several were presented at the hearings.

All of the information gathered fed the writing of final report. Consultations with persons belonging to Indigenous peoples or from one of the public services under investigation were also organized for the preparation of this report.

CHAPTER 2

GENERAL FINDINGS AND CROSS-DISCIPLINARY CALLS FOR ACTION

To fullfil my mandate, it was vital that I first define the concept of discrimination. My many years on the bench naturally led me to the interpretation established by the courts. These generally recognize three types of discrimination: direct discrimination, indirect discrimination and systemic discrimination.

Direct discrimination is defined as the negative treatment of a person on the basis of his or her belonging to a particular societal group, and the bias, prejudice or stereotyping that are directed, consciously or unconsciously, toward this group. Indirect discrimination refers to the inequitable effects that may result from the application of apparently "neutral" laws, policies, norms and institutional practices on a person or group of people.

Systemic discrimination, which combines both of those types of discrimination, is characterized as being widespread and institutionalized in a society's practices, policies and culture. Systemic discrimination can impede individuals throughout their entire lives and its effects can persist over multiple generations. That is the definition I kept in mind in analyzing the testimony and evidence submitted during the Commission hearings.

Having completed my analysis, it seems impossible to deny that members of First Nations and Inuit are victims of systemic discrimination in their relations with the public services that are the subject of this inquiry.

While the problems may not always be systemic, the Commission hearings have revealed that our current structures and processes show a clear lack of sensitivity toward the social, geographical and cultural realities of Indigenous peoples. As a result, notwithstanding certain efforts to make changes and despite a clear desire to promote equal opportunities, many current institutional practices, standards, laws and policies remain a source of discrimination and inequality, to the point where they significantly taint the quality of services offered to First Nations and Inuit. In some cases this lack of sensitivity manifests as a complete lack of service, which leaves entire populations to their own devices with no ability to remedy their situations. In this way, thousands have been stripped not only of their rights, but of their dignity, as they are forced to live under deplorable conditions, deprived of their own cultural references. In a developed society such as ours this reality is simply unacceptable.

2.1. The causes

To understand how we arrived at this state of affairs, it is important to look back at the events that led us here.

2.1.1 A colonialist heritage

We should begin by studying our history. Just by looking at the major events that have defined the relationship between Indigenous peoples and public services, we can grasp the scope of the disaster unleashed by the colonialist policies of successive provincial and federal governments over the past 150 years. The losses suffered by First Nations and Inuit have left lasting scars on both their land, with the creation of reserves and settlements, and on their culture, with forced evangelization and education under the residential school system. It is also impossible to ignore the widely recognized, documented attacks on their identity and on their social, economic and political structures, which several witnesses described in detail.

The conclusion is undeniable. The unequal relationship imposed on Indigenous peoples stripped them of the ability to control their own destiny and fuelled a degree of distrust of public services that has been reinforced even further by certain events of the recent past. Take, for example, the case of residential schools, the last of which was closed in 1991 in Québec, or the massive slaughter of dog teams in the 1950s and 1960s in Nunavik, witnessed by a large number of Inuit who are still alive today and who continue to suffer the consequences.

Far from forgotten, these events form part of Indigenous peoples' cultural heritage, with the result that individuals and communities remain in situations of extreme cultural, relational, social and economic vulnerability. For proof, one need only look at the enormous disparity in living and health conditions between Indigenous peoples and the rest of the population.

It should be added that those colonialist policies laid the foundation for systems and organizations dominated by the desire to standardize, which had precious little to do with Indigenous knowledge and traditions. Not only did this method of building and managing services contribute to the distancing of First Nations and Inuit, it also negated – both socially and politically – their centuries-old practices and knowledge. Like many of the parties (citizens, experts and others) who testified before the Commission, I believe that this lack of sensitivity can be attributed to the widespread ignorance about Indigenous peoples among the general population. In my opinion, this is one of the most important issues to consider in understanding the origin of the systemic discrimination in public services.

2.1.2 Widespread misconceptions

Worse than ignorance, these misconceptions spread prejudices and stereotypes, which in turn have solidified relations between Indigenous peoples and public services.

Disorganized, unable to care for their families and children, uninformed, violent, dependent, neglectful of their health and property, privileged due to their exemption from paying taxes –

the list of prejudices about First Nations and Inuit extends along a broad continuum, ranging from inferior to entitled. Many of the Indigenous witnesses who shared their personal stories with the Commission affirmed that they have felt judged in this way. Whether founded or not, these perceptions are evidence of the walls of mutual incomprehension that separate Indigenous peoples from the main providers of public services in Québec.

Although one cannot make generalizations based on individual cases or assume that these kinds of situations are unique to Indigenous peoples, it is reasonable to conclude that such negative experiences will fuel the distrust Indigenous people already feel toward public services. Even more importantly, this distrust leads to an under-use of services among the Indigenous population as a whole – both in their communities and in urban centres – worsening and amplifying crises, delaying screening, hindering the provision of care and intervention in cases of domestic violence.

To adequately help vulnerable people and those in need of care (i.e. most of the people who come in contact with public services), one must be able to correctly interpret other peoples' attitudes and behaviours. The current lack of understanding toward First Nations and Inuit makes this a difficult challenge.

It is important to note that the social workers, doctors, nurses, police officers and prosecutors who work in public services rarely have the tools and resources they need to proceed differently. While our public services may have been built around the concepts of universality and equality for all, they were designed by decision makers far removed from Indigenous realities, issues, pathways and values, and without taking account of the distinct nature and specific needs of First Nations and Inuit.

In addition, almost everyone involved mentioned a lack of training as a serious hindrance to providing culturally sensitive services. In this respect, I cannot hold employers solely responsible. It falls to all of us to deepen our understanding of other people and other cultures, which we can do through different sources and initiatives. In my opinion, the media has a critical role to play in this respect, a responsibility to properly inform the public about the multiple realities of Indigenous peoples, their history, their culture and their initiatives.

2.1.3 A distorted public image

Print and digital media are the primary sources of information about Indigenous peoples for most Quebecers. Even though coverage has generally been improving, Indigenous realities continue to be under-represented in the media, except during crises.

The challenge is that journalists have been given the same education as the rest of the population, which means that many of them do not know enough about Indigenous peoples. As a result, between the honest mistakes that occur and the polarizing statements made by certain media hosts, columnists and editorial writers, the limited information published about First Nations and Inuit often fuels unfavourable public opinion about them. The impact is even greater because governments rely on that public opinion as they develop their policies and design their public services.

In fact, whether we like it or not, given the myriad needs and government actions a population like that of Québec demands, priorities most often depend on the ability to make oneself heard. Because of the way the media coverage too often depicts them, Indigenous people appear at best at a clear disadvantage, and at worst as desperate cases due to all the negative stories about them.

2.1.4 Piecemeal and unsustainable government actions

This observation leads me to address a fourth and final point that I think might explain the systematic discrimination experienced by Indigenous peoples with regard to public services, namely the absence of sustainable and representative government action for the real needs expressed by Indigenous peoples.

From the very beginning of the work in January 2017 we noted the extent of the discussions that had already taken place on issues relating to Indigenous peoples in Québec and Canada. Through inquiry commissions, parliamentary committees, socio-economic forums or targeted work groups, the services our investigation focused on have all, at one time or another, led to reflections between public service representatives or elected officials and Indigenous authorities. Each time, a plethora of recommendations and avenues of action were outlined to remedy the problems.

And yet, despite all the solutions and action plans, noticeable changes on the ground have been few and far between, or even non-existent. As evidence of this, many of the issues previously identified were raised again in the course of the Commission's work. Examples include the over-representation of Indigenous people in justice and correctional services, the lack of interpreters and translated documents for most public services, considerable delays in legal cases – particularly in remote areas – repeated transfers to the south for Nunavik offenders, deplorable detention conditions north of the 55th parallel, the lack of local health and psychosocial services for First Nations and Inuit, and youth protection principles being incongruous with Indigenous realities. And the truth is that many other things could be added to this already well-stocked list, all of them preventing trust from being restored between Indigenous people and public services.

In my opinion, the real problem lies rather in the fact that most of the proposed solutions take the form of pilot projects or programs that depend on funds being made available year after year. That makes it hard to build over the long term, bring about real change, let alone experience its positive effects. The precariousness of the Indigenous police forces, who are obliged to negotiate their existence and budgets with the Ministère de la Sécurité publique and federal government on a regular basis, also perfectly illustrates the limitations of the piecemeal approach. And then there are promising initiatives that have failed due to a lack of resources, such as the Wigobisan project in the Lac Simon community to assist child victims of sexual abuse.

The slowness with which certain very interesting measures have been implemented also hinders reconciliation and the progress of relations. Consider, in particular, the sixteen years it took for the Atikamekw Nehirowisiw Nation to reach an agreement with the Québec government

on the implementation of a special youth protection program provided for in the Act. In other words, the measures put forward reflect the attitude that the Québec government knows better than the nations themselves what they need or what responsibilities they are capable of assuming.

When asked what was being done and what needed to be done to improve the situation, the public service representatives at the hearing spoke of many obstacles to change, including the limited financial and human resources available to them and the need to respect the division of powers imposed by the Canadian constitutional framework. In my opinion, none of those arguments make it acceptable for successive government actions not to have addressed the needs expressed by Indigenous peoples.

When the resources are limited and there are so many constraints, priorities must be set. However, it must be said that, apart from a few crisis situations, the quality of services provided to Indigenous peoples has never really been a priority. Worse, built around a blinkered vision of equality, the existing structures have prevented First Nations and Inuit from acting on their own to adequately address the needs of their populations. In my opinion this is a big mistake that is in urgent need of remedy by putting an end to the *status quo* and building a new balance of power.

2.2. Cross-disciplinary calls for action

The cross-disciplinary calls for action have been designed as a consistent set of measures that will mutually reinforce each other as they are implemented. They have grown out of findings common to all public services studied by the Commission and I consider them a starting point for a process of profound change. The primary aim of the calls for action is to rebuild relationships of trust with Indigenous peoples and make it possible to truly address their needs. They are one part of a larger quest for the social justice that will create truly equal opportunities for all.

The order stipulated "concrete, effective lasting remedial measures." I also wanted the proposed actions to be realistic and to take into account the political and social environment in which they would have to be implemented.

2.2.1 Acknowledging our mistakes

In creating the Commission, the government certainly wanted to find out whether Québec's First Nations and Inuit faced discriminatory practices. But, perhaps more importantly, it also wanted to build a foundation for true reconciliation with Indigenous peoples in terms of the provision of public services. Although Quebecers elected a new government in the last election, the Commission's objectives cut across partisan politics and have therefore remained unchanged. One need only consider the devastating effects certain government policies have had – and continue to have – on living conditions for First Nations and Inuit and their rights to understand the importance of sustaining these efforts.

I have said it before and I will say it again: in a great many sectors physical and mental

health, justice, life expectancy, family life, housing, and earnings the difficulties Québec's Indigenous peoples face are proof positive that the public system has failed to meet their needs. We all bear the collective responsibility for this failure. At times we let our prejudices and our fear of other cultures get the better of our sense of humanity. At times we chose to look away when confronted with the harmful effects of some of our actions.

When we look at our findings in the field, there is no denying it: on the clock of pressing social issues, it is now one minute to midnight. But when I think of the well-meaning, dedicated people it has been my privilege to meet through the Commission's work, I have reason to believe that change is still possible. Québec's Indigenous peoples have shown unsurpassed resilience in the face of adversity, which opens the doors to a whole world of possibilities. The same goes for the movement of cultural and economic affirmation currently under way among the First Nations and Inuit. But it remains urgent to act, and above all to send a clear message about the nature of our past and future relations with Indigenous peoples.

There can be no reconciliation without first acknowledging the mistakes that have contributed to the gap between perceptions and realities that marks current relations between public service providers and Indigenous peoples. Several witnesses, both laymen and experts, have stressed the importance of acknowledging past wrongs. They feel that the message must come from the highest political authorities in Québec. I share this view.

I therefore recommend that the government:

CALL FOR ACTION No. 1

Make a public apology to members of First Nations and Québec's Inuit for the harm caused by laws, policies, standards and the practices of public service providers.

2.2.2 Building the foundation for a space for nation-to-nation collaboration

Beyond apologies, there can be no reconciliation without concrete actions. As a first step toward reconciliation, we must recognize cultural differences and existing knowledge.

Indigenous peoples relied on their own political systems, established legal traditions and knowledge in such sectors as health and early childhood education for millennia. Imposing Western governance structures and processes has had the unfortunate effect of eroding this knowledge and those cultural touchstones.

This is not to suggest that Indigenous societies have remained passive, however. On the contrary, as several speakers noted during Commission hearings, Indigenous peoples have gone to great lengths to promote their own development. In this regard, the experience of Québec's Indigenous nations covered by an agreement has demonstrated that Indigenous communities with greater autonomy in internal governance have better outcomes, at least socioeconomically, than those without. Experts who spoke at Commission hearings also stressed that Indigenous peoples with greater autonomy develop original support systems

that reflect their own values and cultural practices. Such systems are generally more effective, and provide better long-term prospects, than systems imposed from without.

The Québec government has not been insensitive to these arguments over the decades. The James Bay and Northern Quebec Agreement (JBNQA) and the Northeastern Quebec Agreement (NEQA) ushered in a new approach to acknowledging and protecting the rights of Indigenous peoples in the 1970s. Considered modern treaties, these agreements gave the Eeyou (Cree) and Naskapi nations and the Inuit specific benefits and a degree of control over the provision of education, health care and social services to their populations. They also established government responsibilities and provided mechanisms to fund them by sharing the revenues of resource extraction in the territory.

In 1983, in the wake of the repatriation of the Canadian Constitution, the Québec government also adopted fifteen principles meant to guide relations with the First Nations and Inuit. Two years later those principles inspired a resolution in Québec's National Assembly acknowledging the existence of ten distinct Indigenous nations and their ancestral treaty rights.[2]

While all of the above is true, it is well known that the implementation of the agreements posed considerable challenges. To date, 24 complementary agreements have been required to better define certain aspects of the James Bay and Northern Quebec Agreement. Among the best known of these is the 2002 agreement between the Cree Nation and the Québec government known as the "Peace of the Braves." The Northeastern Quebec Agreement has required three complementary agreements.

As for the principles, the government representatives themselves admit in their brief that "these agreements have not yet been fully implemented" but "still serve as a compass for the Québec government's actions" and "guide its interventions."

In other words, the recognition given to Indigenous peoples is barely past the symbolic stage. More often than not – even today – it takes the form of variable, piecemeal actions depending on the times, parties in power, nation status (covered by an agreement or not), and even current events and the sensitivity of public opinion on Indigenous issues.

Adopted in September 2007 by the United Nations General Assembly, the United Nations Declaration on the Rights of Indigenous Peoples takes an entirely different approach. It proposes concrete and statutory recognition in prevailing legislation of the individual, social, political, economic and cultural rights of the First Nations and Inuit. Canada announced its full support of the Declaration in May 2016. A bill to make it effective in Canada was subsequently tabled and passed by the House of Commons in 2018. Introduced as a "piece of reconciliation" by Member of Parliament for the Abitibi-Baie-James-Nunavik-Eeyou constituency, Roméo Saganash, the bill died on the order paper in the summer of 2019. Regardless of the fate of the federal bill, the many experts heard during the hearings expressed the view that adopting the Declaration is still necessary as the way forward for Québec. I agree.

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2 The Malécite Nation was recognized as an eleventh Indigenous nation of Québec in 1989.

Not only is the Declaration a logical continuation of the principles already adopted by the Québec government, but it also offers a unique opportunity to make them a reality. Above all, applying it will create an enduring collaborative space between nations that will benefit all the Indigenous peoples of Québec regardless of their demographic weight, economic power and representational capacity.

Written in black and white in the Declaration, the right of Indigenous peoples to self-determination and to develop, maintain and strengthen their own political, economic and social institutions raises the dialogue between Indigenous peoples and governments to a new level.

Viewed through the lens of my mandate, the Declaration actually paves the way for Indigenous peoples to have true autonomy in organizing the services offered to their populations. In all the sectors, applying the Declaration would also allow Indigenous peoples to fully participate in developing and implementing laws and public policies on the ground. It would be a way of ensuring sustainable, comprehensive and fair funding for responsive programs and services developed together with the First Nations and Inuit from across Québec.

This is of course a complicated matter that is not without pitfalls. Some people will raise constitutional limits and the fact that any Indigenous issue is the purview of the federal government. Others will insist that Québec, as a province, cannot implement an international declaration. They will also point to the "risk" that such a tool will give Indigenous peoples a veto over all projects planned in Québec.

These issues have already been thoroughly analyzed. The answer to the first two is clear. It is true that the tradition in international law is based on the idea that only the federal government has the power to enter into international agreements. However, in 1988 Québec enacted the *Act respecting the Ministère des Relations internationales*, which allows the Minister of International Relations (now the Minister of International Affairs) to negotiate and sign international agreements, provided they fall within Québec's constitutional jurisdiction. It goes without saying that all the services that were the subject of the inquiry entrusted to me are the responsibility of the provincial government.

The logic of intervening in the area of Indigenous jurisdiction is the same. Since 1951, when the *Indian Act* was substantially overhauled, provincial laws apply in all areas of provincial jurisdiction where the Canadian government has not legislated specifically on matters pertaining to Indigenous peoples.

As for the veto right over development projects, the Canadian authorities expressed the same concerns about certain provisions of the Declaration in 2007, when the time came to vote on its adoption at the United Nations General Assembly. However, they reversed their position three years later and declared their support for the Declaration in the Speech from the Throne. In a subsequent statement the government said that, despite some lingering concerns, Canada is confident that it "can interpret the principles of the Declaration in a

manner that is consistent with its constitution and legal framework." Interviewed by the media in June 2019, Roméo Saganash said that consent and veto are two different concepts.

I for one believe in the power of dialogue. That is why I urge the government and the Indigenous authorities to initiate the necessary discussions without further delay in order to resolve any concerns as to the interpretation of the scope of certain sections or concepts in the Declaration. It would be unfortunate if unfounded fears prompt us to squander one of the best opportunities ever to build bridges with Indigenous peoples and improve their living conditions.

The government representatives themselves state in their brief that "the solution to social problems in large part would begin by reviewing the legal status of Indigenous peoples in Québec society." We have a collective responsibility to use all the means at our disposal to do so. I therefore recommend:

To the National Assembly:

CALL FOR ACTION No. 2

Adopt a motion to recognize and implement the United Nations Declaration on the Rights of Indigenous Peoples in Québec.

To the government:

CALL FOR ACTION No. 3

Working with Indigenous authorities, draft and enact legislation guaranteeing that the provisions of the United Nations Declaration on the Rights of Indigenous Peoples will be taken into account in the body of legislation under its jurisdiction.

2.2.3 Producing a clear portrait of the situation

Whatever new capacity to act is conferred on Indigenous peoples, the stakeholders will need to have a clear picture of Indigenous reality if that new capacity is to be fully realized. At the present time, outlining the main socio-demographic, geopolitical, psychosocial and other indicators related to First Nations and Inuit in Québec is no easy task.

Committed to this quest for information, not only did the team regularly come up against a lack of data, but what data was available turned out to be piecemeal and posed significant limitations. Based on the information brought to my attention, there are three main reasons for this situation that require action.

The first reason is a lack of ethno-cultural data collection by government services. Mentioning the risks of racial profiling, the public service representatives who testified at the hearing – with the exception of correctional services, youth protection services and some police forces – confirmed that they did not compile any information that could

identify membership in an Indigenous nation. The fact is that even when collected, the information is difficult to compare and hence cannot be analyzed and made public. Only birth registers and the census contain uniform information on Indigenous identity, although that information is provided on a voluntary basis.

As a result, despite the extensive client information systems of some services covered by the Commission's inquiry – including the health and social services network and youth protection – it is still impossible to know exactly how many First Nations or Inuit are being treated for mental health issues or chronic illnesses and how many are in foster care. Not only are there significant regional differences in how data is compiled, but the requests submitted to health establishments during the inquiry revealed significant limitations as to the data itself.

The existing systems and procedures also do not tell us exactly how many Indigenous people have filed complaints about services obtained. In other words, no decision maker in Québec has all the administrative data needed to make an informed decision about Indigenous peoples.

Elsewhere in Canada, including Ontario, the collection of ethno-cultural data is already among the measures to counteract the systematic discrimination to which certain groups of the population may be exposed. Initiatives have also been undertaken to gather data about the users of certain public services in other provinces. These steps – and more specifically the normative framework and underlying principles – are in my view very promising courses of action for restoring relationships with Indigenous peoples.

I therefore recommend that the government:

CALL FOR ACTION No. 4

Incorporate ethno-cultural data collection into the operation, reporting and decision making of public sector organizations.

In practice, this means:

- Providing public sector organizations with standards and guidelines for collecting data about care and services; such standards and guidelines should define the grounds on which information can be collected and the ways it can be protected; that will have to be done in cooperation with Indigenous authorities and in compliance with existing research guidelines and protocols[3] in order to factor in their cultural characteristics.

- Providing the necessary technology tools for public sector organizations to collect ethno-cultural data.

- Tasking the Commission d'accès à l'information du Québec with overseeing the practices of public bodies in collecting ethno-cultural data.

- Requiring public sector organizations to annually draw up and make public an ethno-cultural portrait of the persons served.

- Working with Indigenous peoples and independent experts, producing an analysis of the data collected every five years in order to document discriminatory practices and biases, assess progress and guide future direction and actions.

The second element that emerges from the analysis on data availability is the problem Indigenous authorities experience in trying to access databases, particularly in the public health sector. The Commission's work revealed that, unlike the nations that have signed an agreement (Eeyou (Cree), Naskapi and Inuit), Indigenous nations not covered by an agreement do not have access to data compiled by the Ministère de la Santé et des Services sociaux (MSSS). They therefore have no information about Indigenous deaths, stillbirths or hospitalizations.

That said, despite this limitation, the fact is that when the existing data was made available to Indigenous authorities, it was possible to document certain aspects of the health of individuals living in First Nations communities. For example, health portraits have been produced by the Eeyou (Cree) and Inuit authorities over the years. The exercise therefore seems to be neither meaningless nor impossible. Conversely, the limited or non-existent access of Indigenous authorities to data on their own populations makes it extremely difficult for them to plan the services and responses essential to the well-being of their populations.

3 Assembly of First Nations Québec-Labrador. (2014). First Nations in Québec and Labrador's Research Protocol. Québec City, Québec: APNQL; Institut nordique du Québec. (2017). Research Guidelines. Québec City, Québec: First Peoples Working Group of the Institut nordique du Québec; Québec Native Women. (2012). Guidelines for Research with Aboriginal Women. Kahnawake, Québec: Québec Native Women; First Nations Information Governance Centre. (2019). The First Nations Principles of OCAP. Retrieved from: https:// fnigc.ca/en/pcapr.html

I therefore recommend that the government:

CALL FOR ACTION No. 5

Make the necessary administrative and legislative changes to allow Indigenous authorities to access data about their populations at all times, in the health and social services sectors in particular.

The third and final obstacle to obtaining a clear picture of the situation is the scarcity of meaningful population surveys on Indigenous peoples by government bodies. For example, despite the alarming issues described in the first-ever study on the health of the Nunavik populations, it took a decade before another one was conducted in 2004. Still today, this remains the most recent information available to illustrate the physical and mental health situation north of the 55th parallel.

Although conducted on a continuous basis, surveys by Indigenous organizations such as the First Nations Regional Health Survey of the First Nations of Québec and Labrador Health and Social Services Commission (FNQLHSSC) also do not provide a complete picture of the situation. The refusal of some communities to participate in Statistics Canada surveys, among others, and the absence of data from public services limit the scope of these investigations. In fact, according to information broadcast by Radio-Canada in April 2019, the major Québec population surveys conducted by the Institut de la statistique du Québec in the past 10 years contain no information on Indigenous realities.

That said, given the seriousness of some of the issues brought to our attention, including alarming suicide rates, homelessness, over-prosecution and over-representation of Indigenous children in the youth protection system, I recommend that the government:

CALL FOR ACTION No. 6

Make population surveys on Indigenous peoples an ongoing research priority with sustained funding.

The information and testimony gathered also tend to confirm that it would be desirable to entrust the conduct of such surveys to Indigenous organizations known for their knowledge and understanding of Indigenous culture. The findings of these surveys should also be broadly disseminated, with the agreement of the representatives of the participating populations.

In order to obtain the most accurate portrait and take into account the distinctive character of each nation, I therefore recommend that Indigenous authorities:

CALL FOR ACTION No. 7

Make all the First Nations band councils and Inuit village councils aware of the importance of participating in surveys of their populations.

2.2.4 Improving living conditions

Despite the limited data on Indigenous peoples and the actions required to remedy the problem, existing statistical analyses show that the living conditions of Québec's First Nations and Inuit are well below those of the rest of the population. This was confirmed by the information gathered and several testimonies at the Commission's hearings.

However, the distinct character of each community makes it difficult to draw a uniform portrait. Remoteness from major centres, job availability and access to quality food at affordable cost are just some of the factors that can influence the current situation in the various living environments. The reality of First Nations and Inuit living in urban areas is also different from life in Indigenous communities and villages. However, one problem transcends all the communities and nations: housing.

From the start of the Commission's work, the serious Indigenous housing crisis has emerged as the epicentre of many of the issues faced by the First Nations and Inuit. This was also confirmed by a number of witnesses.

Overcrowded conditions among Indigenous nations all exceed the Québec average. However, the problem is most critical in Nunavik. According to the latest statistics compiled in 2006, one in two Inuit (49.0%) live in overcrowded housing. And in 2013 the Office municipal d'habitation du Québec reckoned that 900 additional units were needed to meet the needs.

Aside from accessibility, housing quality is also an issue. Indeed, in First Nations communities, it is estimated that just over one in five housing units require major work (21.0%). But it is not as dire as in the Nunavik villages, where the condition of half the housing units is considered unacceptable.

The situation is exacerbated by the high cost of living and low incomes, which make owning a home impossible for most of the population, leaving them dependent on social housing. In urban areas, low reported incomes also make access to housing difficult, particularly for single-parent Indigenous women. Some witnesses also mentioned that the racism expressed by some homeowners is a major obstacle to finding a place to live.

Beyond the numbers, the work of the Commission has determined that the lack of housing, both in cities and communities, generates a host of psychosocial and economic issues. The crying lack of housing in many First Nations communities and Inuit villages forces extended families to crowd into homes that are often too small to accommodate them. This overcrowding leads not only to problem situations such as violence and physical and sexual abuse, but also to their recurrence, especially when the aggressors live with the victims. Against such a backdrop, Indigenous youngsters, among others, are more at risk of ending up in compromising situations. Nor are these living conditions conducive to their personal growth and academic success.

The physical health of individuals can also be affected by overcrowded and dilapidated housing. Connections have been established between the presence of humidity and mould and allergies or respiratory diseases such as asthma. Overcrowded housing and the

resulting cramped living conditions also promote the spread of contagious diseases such as influenza, hepatitis A and tuberculosis. The greatest number of tuberculosis cases in Québec are found in Nunavik, where the overcrowding is the worst.

Clear causal links can thus be established between the housing shortage and some of the public service issues investigated by the Commission. Not only do the psychosocial and health problems resulting from overcrowding frequently lead to interventions by public services, they also contribute to increasing pressure and mistrust between Indigenous peoples and public service representatives.

For example, in the youth protection sector, the ministerial safety and space requirements for housing children mean that many people who would like to become foster families cannot do so. Over and above the criteria, overcrowding is such that it can be difficult to take in another child. Since it is so hard to recruit foster families in the communities, many Indigenous children have to move away from their lifestyles and cultural environments.

The housing problem also affects parents whose child or children are in foster care, because the Director of Youth Protection or the Youth Court (Court of Québec) may make a separate dwelling or bedroom a condition for the child's return to the family home. This requirement can create major and sometimes insurmountable challenges for parents, who are often unable to comply quickly. The situation becomes particularly worrisome when one considers the time limits for foster care and the fact that a lack of access to housing can lead to long-term placement.

The increased violence that occurs with overcrowding also has an influence on police actions. Not only are the police called in more often, but they must also interact with vulnerable individuals who have all kinds of problems (mental health, addiction, suicide, etc.). The situation is not unrelated to the over-involvement of some individuals in the communities in the legal system. How can release conditions such as a ban on contact with a victim or with alcoholic beverages be met when there is nowhere else to live except an overcrowded dwelling that caused the problem to begin with?

There is no doubt that access to adequate housing is essential to Indigenous peoples' social and economic well-being. The right to safe and secure housing for everyone, including Indigenous peoples, is enshrined in the Universal Declaration of Human Rights and in the United Nations Declaration on the Rights of Indigenous Peoples.

From the perspective of the mandate entrusted to me, I believe genuine change to be impossible without taking into account the cause-and-effect relationship between Indigenous peoples' living conditions and their needs with regard to public services. The provincial government does not usually intervene in housing needs, especially for communities not covered by an agreement. The issue is too important, however, to let constraints imposed by federal and provincial power sharing influence our action. Entire populations are now hostages of their own environments and have been so for a long time, and it is time for that to end.

I therefore recommend that the government:

CALL FOR ACTION No. 8

Conclude agreements with the federal government under which both levels of government financially support the development and improvement of housing in all indigenous communities in Québec.

CALL FOR ACTION No. 9

Continue the financial investments to build housing in Nunavik, taking families' actual needs into account.

CALL FOR ACTION No. 10

Contribute financially to social housing initiatives for Indigenous people in urban environments.

2.2.5 Breaking down language barriers

After the housing shortage and resulting difficult living conditions, access to services is next on the list of problems highlighted by the Commission's work. Even if we ignore the geographic factors, for which there is limited possibility for action, several measures can be introduced to improve relations between public services and Indigenous peoples. The first ones pertain to language.

According to the most recent figures from Statistics Canada, 6.7% of First Nation members and Inuit living in Québec do not speak either English or French. When added to the fact that 41.1% of Québec's Indigenous population has English as a second language, it is not surprising that language was rapidly identified as a vector for discrimination.

The first difficulty highlighted by the Commission is the fact that it is very often impossible for First Nation members and Inuit to have access to services in Indigenous languages or English, when those are their first and second languages.

The absence of services in a language other than French restricts an Indigenous person's ability to communicate his or her view of things and understand the information provided, be it in the form of instructions or conditions or the related processes. Several Commission witnesses reiterated this point of view, particularly regarding youth protection and judicial process.

Safety is also an issue, especially with respect to police services. In Nunavik, without the presence of an interpreter, no matter what kind of problems they encounter or how serious they are, it is impossible for Elders - who speak only inuktitut - to call the police to get the help they need. For the same reasons, response times are affected in some communities that use medical transportation services.

There is also the fact that several concepts are difficult to translate into the indigenous languages and important elements may be misinterpreted. These linguistic misunderstandings can even jeopardize the exercise of rights, as was explained by some of the Commission's witnesses.

The testimony and information gathered during the Commission's work shows that this is partly due to the low numbers of Indigenous people working as public service employees or professionals. For 2017 and 2018 – except for Sûreté du Québec (Québec Provincial Police) police officers (1.24%) and the Commission des services juridiques (Legal Aid) (1.6%) – less than 1.0% of public service employees were of Indigenous origin.

During the hearings, representatives from those services confirmed that they were experiencing difficulties in recruiting Indigenous candidates who met the necessary requirements, including basic academic training. That is hardly surprising since, according to the most recent figures available, 30.5% of First Nations members and 54.2% of Inuit do not have any certificate, diploma or degree. That does not make it any less discriminatory.

I refuse, however, to see these figures as an insurmountable hurdle. To me, that would mean accepting the fact that the Québec government has always been and will always be incapable of providing quality education to First Nation members and Inuit or encouraging students to remain in school. No society that claims to be developed can tolerate leaving such a significant portion of its population on its own in such a crucial field. These findings nevertheless lead me to believe that, before any hiring quota is established, we must make massive investments in education: targeted investments corresponding to the needs identified by the Indigenous authorities themselves.

As a result, among the some one hundred measures included in the 2017-2022 Government Action Plan for the Social and Cultural Development of the First Nations and Inuit, I recommend that the government:

CALL FOR ACTION No. 11

Make implementation of student retention and academic success measures for Indigenous students and young people a priority and allocate the amounts required, guided by the needs identified by the Indigenous peoples themselves and complying with their ancestral traditions.

The Commission's work has also shown that language could be an obstacle to recruiting the professionals called upon to work with certain Indigenous communities in some Inuit villages or those with a high proportion of Indigenous language speakers.

Québec's professional orders are subject to the *Charter of the French Language*. Before issuing a permit to exercise a profession, the orders must ensure that candidates have a knowledge of the French language "appropriate to the practice of their profession." A subsequent regulation did provide an exception for "a person who resides or has resided on a reserve, in a settlement in which a native community lives or on Category I and Category

I-N lands within the meaning of the *Act respecting the land regime in the James Bay and New Québec.*" But professional permits issued under this regulation are valid only within the stipulated territories. Outside those territories, knowledge of French remains a requirement. In 2016 a working committee reported that the Regulation's residency requirement was difficult to apply in the communities. Some of the witnesses at the Commission hearings confirmed that statement. In their view, the professionals who could benefit from this exception often do not wish to move to the community with their families or they face housing shortages that render it impossible. The result is that professionals who speak a language used in First Nations or Inuit communities covered by this exception and are interested in practising their professions there, cannot be recruited or provide services to the local populations.

In a move to remedy this situation in 2016, the same working committee recommended that the government broaden the scope of the exception to cover all professionals exercising their professions within the territories, regardless of where they resided. Unfortunately, this recommendation has yet to be implemented.

I therefore recommend that the government:

CALL FOR ACTION No. 12

Amend the *Regulation to authorize professional orders to make an exception to the application of section 35 of the Charter of the French language* to extend the exception to all professionals exercising their professions on a reserve, in a settlement in which an Indigenous community lives or on Category I and Category I-N lands within the meaning of the *Act respecting the land regime in the James Bay and New Québec*, regardless of where they reside.

In its current form, even if the government implements the above call to action, this exception does not take into account the fact that most members of First Nations and Inuit (54.0%) now live in urban areas and may have difficulty obtaining services in a language that they understand.

One way to address this difficulty is through the use of interpreters, a measure provided for in the legislative framework of the justice system, for example. In the courts, the right to be assisted by an interpreter is enshrined in both the *Canadian Charter of Rights and Freedoms* and Québec's *Charter of Human Rights and Freedoms.* The Québec *Charter* also stipulates that every person arrested or detained has the right to be informed of the grounds of their arrest or detention in a language they understand. In other sectors such as health care, social services and youth protection, the idea of using an interpreter usually arises out of the obligation to make sure individuals understand why interventions are made, or are able to provide consent for them. This obligation has been confirmed in multiple court rulings over the years.

The information obtained during the inquiry establishes beyond any doubt that there is great inequality in the interpreting services available from public organizations; the inequality

applies to both the quality of resources and the mere availability of interpreters. This finding is especially pronounced for Indigenous languages.

Multiple coexisting factors make relying on a network of qualified interpreters an impossibility. Poor remuneration, difficult working conditions and the resulting high turnover were among factors mentioned by a number of people who addressed the Commission, including Court of Québec judges, to explain the shortage of interpreters.

Working conditions are not the only negative factors for interpreters. For interpreters of Indigenous languages, the requirements of the *Charter of the French Language*, which are mandatory for membership in the Ordre des traducteurs, terminologues et interprètes agréés du Québec, can again stand in the way. Currently, a person who speaks perfect Inuktitut or English, for example, but does not have high-level French skills, would be barred from the profession. That has a significant impact. In an environment like Nunavik, where only two interpreters are available for client-attorney meetings in the entire territory, the repercussions of this shortage can be dramatic and lead, for example, to the loss of custody of a child.

From my perspective, we cannot profess to recognize the right of Indigenous peoples to preserve and develop their language (as outlined in the preamble to the *Charter of the French Language*), while at the same time neglecting to provide the support they need to help them navigate a public services system dominated by the French language.

I therefore recommend that the government:

CALL FOR ACTION No. 13

Expand the scope of the *Regulation to authorize professional orders to make an exception to the application of section 35 of the Charter of the French language* to exempt interpreters and translators of Indigenous languages from the French-language knowledge requirements.

CALL FOR ACTION No. 14

Make Indigenous language translation and interpreting services permanently accessible throughout Québec by establishing a centralized database of government-employed interpreters and translators.

These measures would guarantee the resources needed to address other known deficiencies with respect to forms and documents in languages other than French. The public services inquiry has shown that, unless a request is made, not a single document, form or other item is made available in an Indigenous language. It would also appear that many documents, including victim impact statement forms, are not available in English either. The same goes for official documents issued following a ruling. This problem is reiterated in exchanges between government departments and Indigenous communities and organizations.

Bilingual signage is provided only exceptionally at service points, currently only in establishments and organizations designated to provide health care and social services in both languages. The rule can be deviated from for health and safety reasons, however. Here again, the disparity in access to information was cited by several witnesses as harmful to Indigenous citizens and seems discriminatory in my view. I therefore recommend that the government:

CALL FOR ACTION No. 15

Promote and permit bilingual and trilingual signage in establishments that serve large Indigenous populations who speak a language other than French.

CALL FOR ACTION No. 16

Make forms available in Indigenous language translations at government service centres.

CALL FOR ACTION No. 17

Ensure that all government correspondence with Indigenous authorities is accompanied by either an English or Indigenous language translation, at the choice of the community or organization in question.

Lastly, I would like to draw the government's attention to the testimony of several witnesses who described incidents where Indigenous people were forbidden to speak their language by public service representatives or foster families, particularly in dealing with youth protection services. Some also spoke of sanctions or consequences imposed on those who defied this ban. These distressing scenarios hark back to the days of residential schools, where Indigenous children were not allowed to speak their own language. It is unbelievable that such practices persist today.

Since many of these incidents involved establishments in the health and social services network, the Ministère de la Santé et des Services sociaux was invited to comment. In their response, department authorities affirmed that there is no directive prohibiting the use of an Indigenous language. They did point out, however, that the speaking of an Indigenous language may be prohibited to ensure the safety of users. No evidence submitted to the Commission would lead me to conclude that the safety of users was really at issue during the incidents reported by witnesses. I am, however, convinced that prohibiting the speaking of an Indigenous language goes against the objective of preserving the cultural identify of children as set out in the *Youth Protection Act,* and even the *Charter of Human Rights and Freedoms.*

I therefore recommend that the government:

CALL FOR ACTION No. 18

Issue a directive to establishments in the health and social services network ending the prohibition against speaking an Indigenous language in the context of housing, health care and services.

2.2.6 Improving communications and facilitating relationships with public services

Even as public services become more accessible with respect to language, they nevertheless remain grounded in structures and organizational logic that have little to do with First Nations and Inuit cultural references.

Public services are organized around complex systems, rooted in Western culture and governed by multiple laws and regulations. The many different presentations by public services representatives to the Commission gave ample proof of that. As things stand now, when a need arises and public services are required, the task of understanding and navigating the system can be daunting.

Several witnesses stressed how hard it is for Indigenous people to navigate public services as they function today and understand how they work. With little knowledge of the available resources and unaware of their rights, Indigenous peoples' distrust of the system leads many to forgo public services altogether. According to experts (and backed up by the public service representatives themselves), this could partially explain why members of First Nations and Inuit file so few health and social services complaints and why they are reluctant to seek conditional release measures in the prison sector.

In some sectors, positions have been created for liaison officers who provide direct contact with Indigenous clients to facilitate communication and help them navigate the public services system. These efforts are commendable, and liaison officers are undoubtedly making a real contribution in terms of providing differentiated services for Indigenous populations. That said, liaison officers on the public service payroll will always be perceived by Indigenous people as being on the side of their employers. Their lack of proximity to communities and to First Nations and Inuit cultures will always be an issue.

Conversely, the idea of being able to count on a trustworthy individual directly in the community or in a familiar resource centre (such as Indigenous friendship centres in urban areas), seems quite promising. These advisers would be selected and hired by the band council, tribal council or leaders of the Indigenous organization; their job would be to inform First Nations' members and Inuit on available resources and services. They would be present in the community or at the local organization one or more days per week (based on the needs identified by Indigenous leaders); they could also educate members of the community on how to exercise their rights and what recourses are available, and guide them through the system.

Moreover, in acting as a link between public services and the populations they serve, these advisers would be best positioned to advise public bodies on cultural safeguards, thereby helping to improve services overall. No matter how far they still have to go in terms of self-determination, some specialized health care, such as advanced health care, will always require interactions with public services. That is why it is vital to move forward in the spirit of cooperation and continuous improvement.

Therefore, to ensure better interactions between stakeholders and promote mutual understanding, I recommend that the government:

CALL FOR ACTION No. 19

Create and fund permanent positions for liaison officers selected by Indigenous authorities to be accessible in the villages of Nunavik, First Nations communities and Indigenous friendship centres in Québec.

2.2.7 Raising public awareness

None of these measures will be effective unless efforts are first made to bridge the existing gaps in perception between Indigenous people and the rest of the population.

The Commission heard testimony from several hundred Indigenous persons. No matter their story or the public service in question, each witness spoke of the wall of incomprehension that separates Indigenous peoples from the service providers, professionals and managers they encounter. Their testimonies point out that the lack of knowledge described above is one of the main sources of the rampant, systemic discrimination against Indigenous peoples in public services.

Driven first by its push for assimilation and then by a conviction that equitable services required a uniform delivery model, the Québec government of the past century, plus a series of social and political events in the province, provided fertile ground for the alienation of Indigenous cultures.

For many years Indigenous cultures, together with the people and events that shaped them, were essentially erased from our history books and core curriculum. As they were gradually reintroduced, the way Indigenous peoples were presented was enveloped in major historical and social biases. A number of Commission witnesses condemned the fact that, while our current core curriculum has been improved significantly, it continues to ignore entire chapters of history, presenting an incomplete version of reality to elementary and secondary students throughout Québec, including to Indigenous children themselves. In this context, it is hard to break the cycle of ignorance and indifference. After all, today's citizens were yesterday's schoolchildren.

This blindness to Indigenous realities is a widespread phenomenon that goes beyond job titles, specific positions or even the public services themselves. It colours our daily interactions with First Nations and Inuit in the street, the arena, school and everywhere else. For this reason, I believe (as do many of the witnesses heard by the Commission), that the necessary shift in mindset requires an entire population to be educated.

I believe the government should take advantage of the growing public interest in Indigenous peoples and promote a commitment to reconciliation in the public sphere as soon as possible. Based on the lessons of the past, I recommend that the government:

CALL FOR ACTION No. 20

Carry out a public information campaign on Indigenous peoples, their history, their cultural diversity and the discrimination issues they face, working with Indigenous authorities.

Training is also needed as a vehicle for change. In terms of the public services themselves, the data collected shows that most government players have undergone general training on Indigenous history and realities. However, the challenges we collectively face require concerted and sustained efforts.

I dream of a Québec in which our citizens start learning about Indigenous peoples' history, contributions, knowledge and cultural diversity as children. A Québec where, once these same students reach adulthood and are ready to make a difference, they have developed an openness to others that makes cohabitation and cooperation possible between nations, with mutual respect for each other's values and cultures. It is an ambitious goal, I admit, and it will no doubt be many years before we see any real change. But the complexity of the challenge should not stop us from trying. The Truth and Reconciliation Commission started us on this journey, exposing one of the darkest eras of Indigenous peoples' history in Canada. The report of the Commission of Inquiry into Missing and Murdered Indigenous Women took us farther down the road. Now, more than ever, people everywhere are expressing their desire to learn more about the cultures of those who have occupied this land since long before we arrived. We must take advantage of this rare window of opportunity.

Therefore, with respect to elementary and secondary education, I recommend that the government:

CALL FOR ACTION No. 21

Further enrich the Québec curriculum by introducing a fair and representative portrait of Québec First Nations and Inuit history, working with Indigenous authorities.

CALL FOR ACTION No. 22

Introduce concepts related to Indigenous history and culture as early as possible in the school curriculum.

With respect to postsecondary and professional education, I recommend that the government:

CALL FOR ACTION No. 23

Include a component on Québec First Nations and Inuit in professional programs at colleges and universities (medicine, social work, law, journalism and other programs), working with Indigenous authorities.

CALL FOR ACTION No. 24

Make the professional orders aware of the importance of including content in their training programs, developed in cooperation with Indigenous authorities, that addresses cultural safeguards and the needs and characteristics of First Nations and Inuit.

Lastly, with respect to the training of government and public sector employees, I recommend that the government:

CALL FOR ACTION No. 25

Make training developed in cooperation with Indigenous authorities that promotes cultural sensitivity, cultural competence and cultural safeguards available to all public service managers, professionals and employees who are likely to interact with Indigenous peoples. Out of respect for the cultural diversity of Indigenous nations, this training must be adapted to the specific Indigenous nation(s) with which the employees interact.

CALL FOR ACTION No. 26

Provide ongoing and recurrent training to all public service managers, professionals and employees who are likely to interact with Indigenous peoples.

CHAPTER 3

POLICE SERVICES

The inquiry confirmed the extremely difficult nature of the relations between Indigenous peoples and police authorities. At that level, as with all other services covered by the inquiry, episodes of racism and direct discrimination were brought to my attention. The Commission's work has also highlighted a number of unacceptable behaviours and practices by on-duty agents and officers. Indeed, several Indigenous witnesses told of situations in which they themselves or one of their loved ones had been brutalized by police officers during the period covered by my term, in different regions of Québec. In addition to the brutality denounced by many witnesses, there are many other stories where police officers in the line of duty have reportedly displayed excessive force, threats or non-assistance. There were also reports by other witnesses of sexual favours obtained in exchange for money and sexual assault. There were also accounts of "starlight tour"[4] experiences, along with a certain number of reports of arrests deemed abusive and discriminatory.

As dictated by my mandate, however, I chose not to limit myself to individual facts but instead tried to create an overall portrait of the situation. That exercise put a spotlight on the deep feeling of mistrust that Indigenous peoples have toward police services. It also allowed me to realize that, based on how the system currently operates, there is very little that can rebuild their trust, in both urban environments and Indigenous communities.

3.1. Counter-productive proximity in Indigenous communities

Approximately 90.0% of the population residing in an Indigenous community or village in Québec is currently served by an Indigenous police force. On the ground, that corresponds to 22 separate police forces operating in 44 First Nations communities and Inuit villages. As a general rule, those police forces are quite small. In 2015, only five Indigenous police forces had more than 20 police officers. The small size of those organizations and the small size of the territories and populations they serve present a major challenge. The police officers on duty frequently know the aggressor, the victim, and their respective families. They may even be family members. Although such proximity between police forces and residents is generally an asset, because it enables culturally adapted intervention, it can create a significant barrier when it comes to family violence if it involves reporting the relative of a police officer, for example. As a result, denouncing an abuser remains a challenge and, given community pressure, many women who institute legal proceedings want to withdraw the charges before the process is completed. Sexual assault victims face the same fears and obstacles in First Nations communities and in the villages in Nunavik.

4 This practice consists of driving vulnerable persons outside of town to isolated locations and leaving them there.

To fix this problem, it would be appropriate for Indigenous police forces and Indigenous authorities to contemplate certain structural measures immediately.

I therefore recommend that Indigenous police forces:

CALL FOR ACTION No. 27

Adopt and implement a conflict of interest policy for the handling of investigative and intervention matters.

In my opinion, pooling resources is also an interesting approach to consider for reducing conflict of interest situations, particularly by allowing police officers to work in communities they do not live in.

I also recommend that Indigenous authorities:

CALL FOR ACTION No. 28

Explore the possibility of setting up regional Indigenous police forces.

3.2. Obstacles to quality service

3.2.1 Training

The Commission's work also shed light on a certain number of structural obstacles affecting the quality of the services provided by Indigenous police forces. Among other things, this is the case with the training of future Indigenous police officers by the École nationale de police du Québec (ENPQ). We found two major elements. The first concern relating to training is financial. The Commission's work has, in fact, confirmed that it costs Indigenous students up to three times more to complete police training than other students. In order to train a new generation of police, in the vast majority of cases, the Indigenous police forces bear the costs themselves. If we also factor in the extremely high turnover rate in Indigenous police forces – in Nunavik, almost the entire staff has to be replaced every twelve months – the financial issues associated with training grow exponentially. Beyond cost, the fact that certain specialized courses, like the course on the National Sex Offender Registry, are not offered in English is also an obstacle to developing Indigenous police forces. That accessibility problem impacts the situation on the ground. Lacking specialized training, the Indigenous police officers whose second language is English are sometimes not able to intervene in particular situations and have to call in SQ officers.

In my opinion, the current situation unduly weakens Indigenous police forces and must be remedied.

I therefore recommend that the government:

CALL FOR ACTION No. 29

Revise how the training of recruits hired by Indigenous police officers is financed to reduce the cost difference between the various categories of candidates.

CALL FOR ACTION No. 30

Inject the funds required to ensure that the offering of regular and continuing education at the École nationale de police du Québec is fully accessible in English and French.

3.2.2 Underfunding

The underfunding of Indigenous police forces is a major, long-documented problem. For a number of communities, the underfunding has led to accumulated deficits of up to several million dollars. That situation has an impact on day-to-day life. According to the evidence collected during the Commission's work, because of underfunding, many Indigenous police departments are understaffed. This situation affects both the quality of service in the communities involved and the officers' working conditions.

Given inadequate budgets, officers in some communities also have to work alone evenings and nights. In most Indigenous communities and villages, managing emergency situations is just as complex, given the lack of policing resources and the distances officers have to cover when travelling to back up colleagues. Even resources (investigation, prevention) who are specialized in drug addiction or violence, for example, cannot focus solely on the duties for which they trained, due to staff shortages. Moreover, in almost all of the Indigenous police forces, underfunding creates salary conditions that are significantly below those paid by the province's other police forces. The gap can be up to 40.0 or 50.0%.

Underfunding also affects infrastructure and equipment. In fact, the vast majority of police departments in Indigenous communities are using equipment – vehicles, bullet-proof vests and technology – that is obsolete or simply inadequate, making their jobs much harder. The general condition of the infrastructure (police stations and cells) is also a problem and, in some cases, endangers personal safety. Called on for help, most communities cannot afford the high costs of building or redeveloping obsolete police stations.

Asked to address the issue of funding for police infrastructures at the hearing, the director of the Bureau des relations avec les Autochtones at the MSP, Richard Coleman, said he was waiting for funds promised by the federal government to remedy the situation.

From my point of view, the situation requires urgent action. I therefore recommend that the government:

CALL FOR ACTION No. 31

In collaboration with Indigenous authorities, establish a complete status report on the state of the infrastructure and equipment available to Indigenous police forces, the wages and the geographic (distance, road access, etc.) and social (criminality, poverty, etc.) realities of the communities they serve.

On the basis of this status report, I also recommend that the government:

CALL FOR ACTION No. 32

Initiate negotiations with the federal government and Indigenous authorities to agree on a budgetary envelope for upgrading Indigenous police force wages, infrastructure and equipment.

Furthermore, regardless of future funding, due to the size of the force and limited budget, Indigenous police services are at a disadvantage when it comes to purchasing equipment. Because they do not purchase a volume comparable to that of the SQ, they cannot benefit from flat-rate pricing and end up having to pay much more for their equipment. To mitigate the negative effects of this situation, while exploring the possibility of establishing regional Indigenous police forces, I recommend that Indigenous authorities:

CALL FOR ACTION No. 33

Assess the possibility of implementing joint purchasing policies for all Indigenous police forces in Québec.

3.2.3 Status and negotiation method

For the Indigenous representatives who spoke at the hearings, the real problem is the status given to Indigenous police forces, the resulting tripartite agreements and the negotiating method used to reach those agreements.

The Indigenous police forces do not have the same status as other police organizations operating in Québec.[5] Unlike municipal police forces and the SQ, whose existence, mission and jurisdictions are defined in the *Police Act*, Indigenous police forces cannot be created unless an agreement is reached among the communities, the federal government and the provincial government. Considered "adhesion contracts rather than meaningful contracts," according to the

5 The only exceptions are the Kativik Regional Police Force (KRPF) and the Eeyou Eenou Police Force (EEPF) of the Cree Nation Government, both created after the James Bay and Northern Quebec Agreement was signed, and the Naskapi Police Force, created after the Northeastern Quebec Agreement was signed.

Indigenous leaders, these agreements "are not negotiated by mutual agreement." The lack of sustainable agreements, renewed every three years or sometimes even annually, has also been deplored.

On March 23, 2018, in the wake of a request by Indigenous representatives to postpone the negotiations of these agreements and testimony heard on this matter, I called on government authorities to maintain or even improve existing funding over the course of the negotiations. I wanted to allow the Indigenous police forces involved to conduct genuine negotiations with the provincial and federal authorities, based on the needs of their respective communities.

This appeal was heard by the Québec government and in the opinion of the main parties concerned, the provisions made have, in fact, breathed life into the process and allowed some to obtain a satisfactory agreement with respect to improving their services. When they last appeared before the Commission on October 2018, MSP representatives reported that they had signed 18 of 22 agreements, ten of which were for a ten-year period and five for a five-year period.

Despite the progress made, much of the work remains to be done. That is why I recommend that the government:

CALL FOR ACTION No. 34

Amend Section 90 of the Police Act to readily acknowledge the existence and status of Indigenous police forces as being similar to those of other police organizations in Québec.

CALL FOR ACTION No. 35

Undertake negotiations with the federal government and Indigenous authorities to ensure recurring and sustainable funding for all Indigenous policing.

CALL FOR ACTION No. 36

Modify the process for allocating budget resources to police forces to reflect the needs identified by Indigenous authorities in terms of infrastructure, human, financial and logistical resources and the individual realities of the communities or territories.

3.3 Unadapted police practices

Regardless of the challenges faced by police organizations, the evidence gathered over the course of the Commission's work has highlighted a number of unacceptable behaviours and practices by on-duty agents and officers.

Disproportionate arrest was among the problems discussed at length. Although the case of Val-d'Or proved emblematic of this, the figures obtained conclude that other Québec cities face the same issue. Several witnesses also deplored the high number of arrests in First Nations communities and Inuit villages, especially involving people released on the condition that they abstain from drinking alcohol. Regardless of the reasons cited for the arrest, some view this as harassment. On the other hand, others have argued that it was a too rigid application of the law and are calling for greater tolerance.

Manifest dissatisfaction was also expressed with regard to police interventions involving suicidal persons. In Nunavik, where the problem has reached an alarming level, police actions in this matter are very frequent. In such situations, the procedure designates social services as first respondents, and when the suicidal person refuses to speak to them, police officers are called to serve as backup. However, they are not trained to effectively respond to people in crisis.

I believe that a lack of diversion programs, crisis centres or detox centres geared toward traditional care where arrested people could be taken further narrows the intervention options of police officers. That said, I believe the police forces themselves can take certain steps to improve the situation. The experiences of the Équipe mobile de référence et d'intervention en itinérance [mobile referral and intervention team for the homeless], which has been operating for a number of years in Montréal, and the Poste de police communautaire mixte autochtone [First Nations community mixed police station] in Val-d'Or are good examples. I therefore recommend that authorities, both non-Indigenous and Indigenous and police forces, jointly:

CALL FOR ACTION No. 37

Assess the possibility of setting up mixed intervention patrols (police officers and community workers) for vulnerable persons, both in urban environments and in First Nations communities and Inuit villages.

3.4. Inadequate recourse

Lastly, the Commission's work confirmed that Indigenous people are generally not familiar with the existing complaints processes and therefore do not take advantage of them very often. Moreover, many people do not have faith in government methods for handling complaints and do not believe that they are independent and impartial.

It seemed to me that filing complaints against police officers working in Indigenous police forces was just as difficult. The individuals who still managed to initiate a formal complaints process against a police officers said that they were concerned about conflicts of interest because of close ties within the communities. Others stated that they had been judged negatively by members of their community or other police officers after they filed a complaint against a law enforcement official.

Following the "Val-d'Or events" and the recommendations from previous inquiry reports, the MSP, together with representatives from various Indigenous organizations, also developed a new model for processing complaints against police officers where criminal matters are involved. That model, which has been in effect since September 17, 2018, gives the BEI a greater role in processing criminal allegations made against police officers by Indigenous individuals.

In terms of ethics, the MSP also indicated during the Commission's hearings that it was looking into the possibility of making legislative changes to extend the time limit for filing complaints.

In fact, when allegations of a criminal nature are filed against a police officer, the processing time required by the DCPP to analyze each file is sometimes so long that it becomes impossible to take advantage of police ethics mechanisms (which have to be instituted within a year) if the DCPP deems that it cannot proceed with the criminal charges. That constraint leaves many people without any recourse.

I therefore recommend that the government:

CALL FOR ACTION No. 38

Amend the *Police Act* to extend the time limit for filing police ethics complaints to three years.

I think it would also be useful to ensure a better understanding of the existing processes and how they work.

For that reason, I recommend that the government and the Indigenous authorities:

CALL FOR ACTION No. 39

Conduct information campaigns among Indigenous populations concerning the existing complaints processes.

CHAPTER 4

JUSTICE SERVICES

This is not the first time that special attention has been paid to the relationship between Indigenous peoples and the justice system. Several commissions and working groups in Québec and Canada have studied the Indigenous peoples' relationship with the justice system over the past 50 years. The in-depth analysis of the evidence that was heard by and submitted to this Commission led, for the most part, to the same basic findings as those of previous inquiries. Despite the many resulting recommendations, the attempts to adapt the justice system to Indigenous realities and cultures has not produced the desired results.

For many of the Indigenous and non-Indigenous witnesses, there is no doubt about it: the justice system has failed in its dealings with Indigenous peoples. Although this conclusion may appear harsh, I agree with it. Despite the best intentions of everyone involved, we must acknowledge that the justice system as described in the hearings discriminates against Indigenous peoples in a systemic way, whether they are victims or accused.

4.1. Fundamental incompatibility

One of the first Commission findings related to the justice system is that Indigenous people are very mistrustful of the government system and do not entirely understand how it works. To Indigenous eyes, the system is defined by a failure to solve issues and support victims. This is particularly so when it comes to domestic violence and sexual assault.

According to a certain number of witnesses, even when a violent act is reported and a criminal justice file has been opened the system does not meet needs or provide a sustainable solution. Worse, the system causes further trauma due to lengthy court delays, several hearing date postponements and geographical distance from services.

According to many witnesses, despite the efforts being made, a high level of incompatibility divides the government's justice system and Indigenous communities when it comes to values, objectives, and where and how justice is served.

This cleavage appears all the more significant since the Commission's work confirmed the existence and vitality of Indigenous law and legal systems. The successes of many Indigenous justice programs and institutions, including the justice system of Kahnawà:ke, the Mohawk tribunal of Akwesasne, the Atikamekw Nehirowisiw community justice program and the Saqijuq project in Nunavik, all explored as part of the Commission's work, are shining examples. And that list does not even touch on interesting projects like Wigobisan and the circle of kokoms (Elders) at Lac Simon; the Miroskamin program of Wemotaci; the Wanaki Centre in Kitigan Zibi and all services offered by the First Peoples Justice Centre of Montreal.

That said, the erosion of Indigenous cultures that resulted from colonialism and the residential school policy did not leave the transmission of legal knowledge untouched. As stated above, Indigenous law, their scope and the principles and authorities on which they are founded, are primarily taught and passed down through oral teachings and stories. This knowledge is passed along by individuals tasked for that purpose, often Elders. When they are gone the knowledge goes with them, which leaves some legal voids in the communities.

Like some witnesses heard, I am concerned by the disappearance of this knowledge and convinced that reactivating it would have a positive outcome for all of Québec society.

Consequently, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, which states that they have the right to "promote, develop and maintain their institutional structures [...], juridical systems or customs," I recommend that the government:

CALL FOR ACTION No. 40

Fund projects developed and managed by Indigenous authorities that are aimed at documenting and revitalizing Indigenous law in all sectors deemed to be of interest.

4.2. Underused diversion and prevention tools

Over the years, the government has taken various measures to promote crime prevention and get Indigenous people out of the justice system. Among them were the community justice programs (commonly referred to as justice committees) and the Alternative Measures Program (AMP) for adults in Indigenous communities. However, the Commission's work has shown that those measures are largely underused.

The chronic underfunding of the justice committees makes it impossible for those resources to be used to their fullest. They take care of a number of things, including: diversion, sentencing recommendations, supervised probation, suspended sentences, conditional release, authorized leave, crime prevention and community support – healing circles, offender reintegration and citizen mediation. Although the justice committees do so much, the resources at their disposal are limited. As a result, apart from the coordinators, most justice committee members work on a volunteer basis or for token payment only. The lack of resources and infrastructure (no office or computer), the lack of training, staff turnover, non-recognition within the community, lack of cooperation with the other social partners, and the administrative burden, especially with respect to financial reporting also affect their operations.

Nor is the situation any better when it comes to the Alternative Measures Program. An analysis by the Commission also showed that an extremely small number of cases had actually been referred to the AMP. For instance, in Nunavik, which has the most justice committees, only 39 cases out of some 13,000 charges filed were steered to the AMP in 2016-2017. The limited list of crimes that were previously eligible for the AMP could explain why so few referrals were counted. At first the program only applied to crimes punishable

by imprisonment of five years or less, with the exception of certain crimes, including those of a sexual nature. In 2015, in response to pressure from some Indigenous communities, the scope of the program was expanded to include more crimes. That said, the revised AMP excludes crimes of a sexual nature and crimes involving the abuse of vulnerable persons, certain offences against the administration of justice, crimes involving firearms and all crimes relating to the operation of a motor vehicle, including impaired driving.

The issue of determining which crimes are eligible was raised several times during the hearing. Community representatives called for the program to be expanded to include other types of crimes, such as offences against the administration of justice (breach of conditions, probation, etc.). Others suggested that the AMP should cover all kinds of crimes.

From my perspective, community justice programs are the key to genuine Indigenous governance in justice matters. However, the role they play, the way they interact with the justice system – especially with the DCPP – and the resources at their disposal must all be reviewed.

First, the latitude that communities are given must go beyond the constraints of the current alternative measures program. To achieve this, a real partnership must be established with the DCPP. But due to the issues involved, including access to justice and victim protection, such a partnership must be clearly defined in an agreement. I therefore recommend that the government:

CALL FOR ACTION No. 41

Amend the existing laws, including the *Act respecting the Director of Criminal and Penal Prosecutions*, to allow agreements to be signed to create specific justice administration systems with Indigenous nations, communities or organizations active in urban areas.

Inspired by the specific youth protection systems that have been able to be set up in Indigenous communities since 2001, these agreements would provide for the automatic referral of criminal cases involving Indigenous offenders from the DCPP to Indigenous communities or authorized Indigenous organizations in urban areas. They would also include mechanisms for referring cases to other communities or returning them to the government system, either at the victim's request or in special circumstances such as conflict of interest, lack of resources, or when the community believes that it is not equipped to handle the case. Nor would anything prevent communities from right away listing a series of crimes they do not generally wish to intervene in, such as sexual assaults or murders.

Bold as it may seem at first, this approach seems more promising to me than any further attempt at carving out a place for Indigenous law and its underlying values within existing justice structures. Not only does it encourage autonomy and Indigenous governance in a crucial area, it also has great potential for relieving an overburdened system that is unable to meet the demands placed on it. This would not entail creating a parallel system, but rather adding a feature to improve the existing system for Indigenous peoples.

Given the new urban reality of Indigenous people, the transformation will have to be made possible throughout Québec and supported by substantial funding if it is to succeed.

I therefore recommend that the government:

CALL FOR ACTION No. 42

Encourage the introduction of community justice programs and the implementation of alternative measures programs for Indigenous adults in all cities where the Indigenous presence requires it.

CALL FOR ACTION No. 43

Set aside a sustainable budget for Indigenous community justice programs and for the organizations responsible for keeping them up to date, proportionate to the responsibilities assumed and adjusted annually to ensure its stability, factoring in the normal increases in operating costs of such programs.

4.3. State justice in need of improvement

The proposed reform should allow communities to handle the majority of crimes involving Indigenous offenders residing in their territories, if they so desire. The regular criminal justice system will still have a role to play in various circumstances and for various reasons. However, the evidence heard and submitted leaves no doubt that some changes are needed to facilitate access to justice and end persistent discrimination problems.

4.3.1 Legal aid

For many First Nations or Inuit people facing the justice system, legal aid is the only way to be represented. However, the Commission's work revealed some discrepancies as to eligibility for legal aid and the quality of the services received. Between 2001 and 2017, a large number of applicants declaring a band number were denied requests for legal aid for criminal matters. The main grounds for denial are not due to economic ineligibility. The low incomes of Indigenous people often mean the eligibility threshold is not an issue. Rather, the main reason is the inability to provide some information. This is due to the difficulty legal aid services have in building trust with the communities, as well as problems with understanding the requirements as to which documents need to be produced and kept. The low remuneration for private practice lawyers is also problematic, since the cases are complex and require a great deal of involvement.

In light of all the testimony, I can only reiterate my desire for liaison officer positions to be instituted in Indigenous communities and in Indigenous organizations headquartered in urban areas. As outlined in the call for cross-disciplinary action presented earlier in this report, such liaison officers would make it easier for members of First Nations and Inuit to navigate the justice system as well as offering them support and guidance.

It would also be my considered view to factor in the additional time required for private practice lawyers to provide culturally safe, appropriate service. I therefore recommend that the government:

CALL FOR ACTION no. 44

Amend the *Act respecting legal aid* to introduce special tariffs of fees for cases involving Indigenous people, in both civil and criminal matters.

4.3.2 The Itinerant Court

In order to better serve remote Indigenous communities, Québec can also enlist the services of Itinerant Courts. However, the model has been subject to repeated criticisms over the years, both in terms of workflow and infrastructure and with regard to its legitimacy. Although several State institutions grew concerned and the Court of Québec adopted a three-year plan to improve legal services in remote Indigenous areas in 2005, the testimony we heard made it clear that these problems still persist.

The expeditious nature of justice in the North and the heavy caseload seem to be the source of many issues, as is the fact that court is only in session in some communities or villages once every three months. As a result, victims are not inclined to press charges. The evidence also established that the long travel times often do not allow prosecutors to meet with victims before charges are filed. However, the institution's existing guidelines on this subject are very clear as to the requirements to be met, particularly in cases involving sexual assault. Whether due to those working conditions or not, there is a very high turnover rate among the prosecutors assigned to the Itinerant Court. Between 2005 and 2018 alone, 116 prosecutors covered the territory of Northern Québec (Eeyou (Cree) and Inuit lands). Many witnesses also cited deficient facilities. Still today, the Court sometimes sits in arenas and the lawyers meet with clients in cloakrooms or even washrooms.

Given these findings, some witnesses suggested handling all court cases relating to Nunavik in Montréal. To them, the fact that most Inuit inmates are held in Saint-Jérôme and that there is a sizable Inuit community in Montréal would argue in favour of this approach. In my own opinion, although this scenario may seem interesting at first, it would not be a good idea.

First of all, I believe that the proposal outlined earlier in this chapter as to the increased role that Indigenous organizations and communities should play in administering justice should considerably reduce the caseload in Itinerant Court sessions. It will also help process files faster and devote more time to each case, mitigating the locals' sense that the system rushes them through. Even more important, it will give the power of managing the system back to the Indigenous communities.

I also believe that transferring cases from Nunavik to Montréal would lead to an unfortunate loss of expertise. Over the decades, judges, criminal and penal prosecutors and legal aid lawyers from the district of Abitibi have developed valuable expertise about Nunavik. If

we had to start over with a new team, it would surely take years to reach the same level of understanding. I believe the Inuit people have already suffered enough from gaps in the system without forcing them to take such a huge step backward.

That said, the infrastructure problem remains critical in several places. To remedy it, I recommend that the government:

CALL FOR ACTION No. 45

Invest in developing premises adequate to the exercise of justice in each of the communities where the Itinerant Court sits, as soon as possible.

4.3.3 Arrest and prosecution

The large number of tickets issued in various Québec towns, particularly to the homeless, has been mentioned earlier in this report. Since the homeless have very little money, such tickets often result in incarceration for failure to pay fines.

In September 2017, given the extent of the adverse effects, I asked the Town of Val-d'Or to impose a moratorium on imprisonment for failure to pay fines and set up a justice assistance program for homeless clients inspired by Montréal's Programme d'accompagnement à la justice et d'intervention communautaire (PAJIC). My calls for action were heeded. A week after I made the request, the Municipal Court of Val-d'Or announced that it would suspend imprisonment for failure to pay fines.

Alongside this measure – which is still in effect – the Anwatan-PAJIC Val-d'Or program, developed jointly by the Town of Val-d'Or and the CAAVD, was also set up. The approach takes into account the unique situation of Indigenous people and provides four areas of response: assistance in court, which ultimately leads to the forgiveness of the debt, customized payment agreements, community service, including cultural or wellness activities, and the temporary suspension of the case for special circumstances such as major health issues.

Given the very high mobility rates among Indigenous populations, it is not uncommon for Indigenous people to accumulate unpaid fines in several towns. That can sometimes complicate things when someone decides to undertake a diversion program. In my opinion, because Indigenous people are migrating to urban areas in increasing numbers, cities can no longer deny responsibility for them. I therefore recommend that the towns and municipalities of Québec:

CALL FOR ACTION No. 46

Stop incarcerating people who are vulnerable, homeless or at risk of becoming homeless for non-payment of fines for municipal offences.

CALL FOR ACTION No. 47

Set up a PAJIC for people who are vulnerable, homeless or at risk of becoming homeless.

In addition, to ensure the sustainability of such measures, I recommend that the government:

CALL FOR ACTION No. 48

Amend the *Code of Penal Procedure* to stop the incarceration of people who are vulnerable, homeless or at risk of becoming homeless for non-payment of fines for municipal offences.

CALL FOR ACTION No. 49

Provide sustainable funding to PAJICs for people who are vulnerable, homeless or at risk of becoming homeless.

4.3.4 Pre-trial detention

The release of an accused pending trial is the rule rather than the exception in Canadian law. Under the Canadian *Charter*, any person charged with an offence has the right "not to be denied reasonable bail without just cause." However, the data the Commission obtained from the MJQ confirms that Indigenous people are more likely to remain incarcerated at the appearance stage or following a bail hearing. They are also overrepresented in pre-trial detention and generally held for longer before trial. This imbalance affects Indigenous women in particular. It can easily take eight to ten days from the time a person is arrested in Nunavik to the time he or she appears in court in Amos. However, the time limit set out in the *Criminal Code* is three days.

In their appearances before the Commission, Court of Québec judges lambasted this situation and reiterated their commitment to change. Among other things, the judges deplored that the accused are not released into their own communities. Court of Québec judges are not the only ones demanding changes. To reduce transit delay problems, many witnesses suggested that bail hearings be held via videoconference.

I find it unacceptable that such an obvious solution, which would bring such a significant improvement for so many people, has not yet been implemented.

I therefore recommend that the government:

CALL FOR ACTION No. 50

Institute the use of videoconferences for bail hearings as soon as possible for accused persons in remote areas, particularly in Nunavik.

As some witnesses rightly pointed out, if this measure is to constitute a real gain and avoid increasing pressure on detention centres that are already overcrowded and in poor condition, it will have to be supported by the appropriate human and physical resources. That goes hand in hand with improving the general conditions of detention, particularly in Nunavik, as will be discussed further in this report in the chapter on correctional services.

4.3.5 Sentencing

Many witnesses also referred to problems when the judge is determining sentences. For good reason. When prison sentences are imposed on individuals residing in First Nations communities in Québec, imprisonment in an institution is ordered in 91.8% of cases.

But Canadian criminal law views imprisonment as a sentence of last resort. What is more, the Canadian government added an obligation to the *Criminal Code* in 1996 that required judges to consider, particularly with respect to Indigenous offenders, "all available sanctions, other than imprisonment, that are reasonable in the circumstances and consistent with the harm done to victims or to the community."

The Supreme Court of Canada issued its first ruling on this provision in 1999 in the *R.* v. *Gladue* decision, followed by another ruling 15 years later in *R.* v. *Ipeelee.* Through these decisions, the country's highest court established that the sentencing judge must pay special attention to distinctive systemic and historic factors that may be one reason the offender is before the courts. The judge must also consider the types of procedures for determining the sentence and sanctions that may be appropriate due to the offender's Indigenous heritage or connections.

The specific information on the offender and his or her community of origin can be collected in what is commonly called a "Gladue report." These reports are produced at the request of a judge, the DCPP, a defence lawyer or a justice committee and pursuant to a court order. They are intended to help justice system participants better understand the circumstances surrounding the accused's life path and his or her clashes with justice.

Twenty years after the Supreme Court decision, Gladue reports are still underused in Québec. Since 2015, when the MJQ set up a structured program for writing Gladue reports, an average of 123 reports have been produced per year for adult offenders. However, during that same time period, between 2015 and 2018, approximately 13,000 charges were laid each year against people domiciled in Québec Indigenous communities.

Moreover, in the opinion of several witnesses, the report writing program is underfunded and suffers from a recurring lack of resources, particularly staff. Training is also apparently inadequate.

Whether due to that fact or not, some of the witnesses indicated that there are shortcomings in the Gladue reports. While the reports generally contain information on historic and systemic factors, they frequently say little about the resources available in the community, especially Indigenous legal systems and the procedures and sanctions that would be appropriate in light of them.

According to information from the MJQ: since it takes between two and four months to produce a report in Québec, a Gladue report is only produced if the prosecution is asking for a prison sentence of four months or more. If the offender is incarcerated during the proceedings, he or she will have to accept the fact that the time required to produce the Gladue report will lengthen the pre-trial detention. Faced with this reality, many accused are forced to waive the report. In other words, Gladue reports are of no use to the vast majority of Indigenous offenders who are repeatedly sentenced for minor offences and are grappling with the revolving-door cycle of prosecution and incarceration.

Note that, to alleviate that problem, Aboriginal Legal Services in Ontario prepares "Gladue letters" when a person is facing less than 90 days of jail. The letters take less time to prepare and focus more specifically on potential alternatives.

From my perspective, Gladue reports are very interesting tools for supporting the exercise of judicial power. I therefore recommend that the government:

CALL FOR ACTION No. 51

Set aside a budget envelope earmarked exclusively for the writing of Gladue reports and increase the remuneration for all writers.

CALL FOR ACTION No. 52

Increase the number of writers authorized to produce Gladue reports.

CALL FOR ACTION No. 53

Fund the organizations involved in producing Gladue reports so that they can enhance and standardize the training provided to accredited writers, in cooperation with Indigenous authorities.

CALL FOR ACTION No. 54

Periodically review the quality of work done by Gladue report writers, in cooperation with Indigenous authorities.

CALL FOR ACTION No. 55

Provide for Gladue letters to be written automatically whenever an Indigenous person enters the system, and provide funding therefor.

CHAPTER 5

CORRECTIONAL SERVICES

Responsibility for correctional services is shared between the federal and provincial governments. In keeping with my mandate, the Commission's work was limited to the organization and operation of provincial correctional services. The situations that were brought to my attention and analyzed by the Commission's team therefore involved defendants and inmates with prison sentences of two years less a day, several prison terms totalling less than two years or sentences served in the community.

During the Commission's work, a number of cases of racism and direct discrimination against First Nations and Inuit people were drawn to my attention in relation to correctional services. These situations were sometimes initiated by the correctional staff, sometimes by fellow inmates. Fraught with contempt and violence, they convey the vilest prejudice against Indigenous people, and are simply unacceptable. Regardless of whether these are isolated cases, there is more than ignorance behind these words, and I believe that such situations should be strongly denounced and that steps need to be taken to avoid recurrences.

In addition to these highly deplorable events, the evidence also confirmed the presence of indirect discrimination, resulting from the laws, policies and practices and tools in place. As Indigenous offenders are usually incarcerated thousands of kilometres away from their family and community and face significant cultural and language barriers and limited programs and services, they appear to be at a huge disadvantage in their relations with correctional services. The negative effects lead me to conclude that the prison system has failed in their rehabilitation. And yet reintegration is at the heart of the principles set out in the *Act respecting the Québec correctional system* for all offenders.

5.1. Discrimination in assessments

Services correctionnels is sometimes required to assess an offender's progress several times. The assessment is key because it shapes the offenders' path in various ways, from determination of the sentence to assessment of the risk of reoffending during the application for release, as well as access to the institution's programs and services. Established practices and validated tools are used to conduct the assessments, but the testimonies offered at the hearings nevertheless revealed that those tools and methods display substantial discriminatory bias against First Nations and Inuit people.

5.1.1 Pre-sentencing reports

At the request of a judge, Services correctionnels is sometimes required to assess an offender before sentencing. In that case, a probation officer prepares a pre-sentencing report. In an effort to take into account the needs and realities of First Nations and Inuit people, Services correctionnels developed a new type of pre-sentencing report in 2015 for Indigenous offenders. The Indigenous pre-sentencing report (Indigenous PSR) differs

from the regular pre-sentencing report in that the historical and systemic factors specific to the person's culture must be considered, as well as the influence they may have had on his or her run-ins with the law. Although relatively new, this measure appears to have been adopted by members of the First Nations and Inuit. For the period from April 1, 2016, to March 31, 2017, of the 114 reports used for Indigenous offenders, 107 were Indigenous PSRs.

Nowadays, only a handful of officers have been trained to do this kind of analysis and developed the required expertise. The evidence does not show that requests for Indigenous PSRs have been denied because of a lack of resources. That said, given the ever-growing proportion of First Nations and Inuit people living in urban areas, it would be wrong to believe that Indigenous PSRs will only be required in areas mainly consisting of First Nations or Inuit communities.

Against this backdrop, I recommend that the government:

CALL FOR ACTION No. 56

Train all Québec probation officers to prepare Indigenous pre-sentencing reports and teach them the reassuring cultural approach for collecting information.

5.1.2 Actuarial assessment tools

Pre-sentencing reports are not the only type of assessment that marks an offender's path. Offenders who serve their sentence in detention are assessed to identify their need for supervision and to identify the most appropriate interventions. The assessment exercise relies on tools based on actuarial models, i.e. assessment grids used to assign a rating based on the presence of certain risk factors, including criminal history, addiction to alcohol or other substances and the quality of family relationships. Until recently, the LS/CMI (Level of Service/Case Management Inventory) was used in Québec. After determining that the tool could generate unfavourable biases for certain clienteles, including Indigenous peoples, the Ministère de la Sécurité publique took steps to develop a new tool. At the end of the exercise, the BACPCQ (for Besoin et analyse clinique pour personne contrevenante du Québec) was developed.

In the fall of 2018, the tool was being used in a pilot project. The MSP's objective with the development of this new tool is commendable, and I can only welcome its foresight in this field. That said, although the conclusions of the pilot project were not yet known at the time of this report, I am still concerned that a single tool is being used to assess all offenders. In my opinion, for the correctional system to function fairly and effectively, we must stop assuming that all offenders can be treated fairly by being treated the same.

Therefore, I recommend that the government:

CALL FOR ACTION No. 57

Develop an assessment tool specific to Indigenous offenders with the collaboration of experts from First Nations and Inuit peoples.

5.2. Geographic distance with adverse consequences

5.2.1 Intermittent imprisonment

The *Criminal Code* and the *Code of Penal Procedure* allow courts to order that the sentence be served intermittently, on weekends, for example. This approach is seen as especially valuable from a reintegration and rehabilitation perspective, because it allows the person to keep their job, continue attending school, retain custody of their children and continue to provide for themselves or maintain family ties, which is particularly important in families with young children.

However, the evidence heard at the hearing established that, in the absence of an adequate facility to serve the sentence, it is almost impossible for Nunavik residents to benefit from this measure. The residents of some isolated Indigenous communities in the Lower North Shore and Schefferville region, for whom the designated facility is in Sept-Îles, face the same problem.

In March 2018, the Québec Ombudsman released a report on the consequences of the increase in intermittent sentences in Québec correctional facilities. In this report, the Ombudsman recalls that 20 years ago, Justice Canada seemed receptive to the idea of the provinces developing alternatives to imprisonment in a correctional facility for people with intermittent sentences. It was proposed that intermittent sentences could be served in non-custodial community programs. In the wake of this recommendation, in the early 2000s, some Canadian provinces, including Alberta and Ontario, implemented measures to enable people with intermittent sentences to serve their sentence outside correctional facilities.

In Québec, nothing comparable has been done to date, although – as the Ombudsman pointed out in its report – the MSP's initial intention was to ensure that intermittent sentences were administered in "lodging in a community resource or other location outside the facility under the supervision of correctional staff."

In retrospect, the Québec Ombudsman believes that such a practice "could be more effective than a short time in custody in solving the problems that led to these people's criminalization." I share this view.

Therefore, I recommend that the government:

CALL FOR ACTION No. 58

Implement, as quickly as possible, and in all regions of Québec, alternative measures to incarceration for people sentenced to an intermittent sentence, including sustainable funding.

This approach will obviously have to be carried out in collaboration with Indigenous authorities and will have to focus on reaching agreements with Indigenous community resources in each region.

5.2.2 Transfers

Geographic distance is also synonymous with multiple transfers for inmates, particularly Indigenous inmates. According to the data available, 11.6% of Eeyou (Cree) offenders and 19.3% of Inuit offenders are transferred four or more times during their time within the correctional system. Among non-Indigenous peoples, only 3.7% of inmates have the same experience.

It should be recalled that a transfer to another correctional facility entails challenges and difficulties: strip search at the time of leaving the first correctional facility, strip search when entering the second one, transportation in a patrol wagon during which both hands and feet are manacled, high risk of losing personal effects during the move, etc. This is all in addition to the general discomfort of having to adapt to a new place, new correctional personnel, new rules and methods, as well as new cellmates.

In the final brief that it submitted to the Commission, the Québec government asserted that the MSP has deployed several measures to reduce transfers between facilities, specifically for the Inuit. According to the government, the agreement on the organization of correctional services with the Makivik Corporation and the Kativik Regional Government to encourage grouping defendants and inmates from Nunavik in specific establishments (Amos and Saint-Jérôme) is a significant improvement. In the government's opinion, the measures set forth in this agreement – combined with the use of videoconferencing for the first appearance – will reduce the number of transfers between correctional facilities for this specific clientele.

Even though the new correctional facility in Amos and the newly concluded agreement represent significant advances, I believe that this question should be closely monitored to assess the effectiveness of the measures implemented over the medium and long term.

Consequently, I recommend that the government:

CALL FOR ACTION No. 59

Measure and report annually on the situation regarding transfers of Indigenous inmates, in collaboration with partner Indigenous organizations.

5.2.3 Maintaining family relationships

According to the *Regulation under the Act respecting the Québec correctional system*, an inmate is entitled to receive visits from the inmate's spouse or *de facto* spouse, mother, father, child, brother, sister and attorney. The inmate may also, if authorized, be visited by another person useful to settle an urgent matter, for social or family reasons or to facilitate the inmate's social reintegration. The cost of these visits is the visitor's responsibility. Because of the long distances separating them from the correctional facilities and the significant costs for travel, however, very few families of Indigenous inmates have the resources required to visit their incarcerated loved ones.

During the hearings, several witnesses expressed the devastating impacts of the resulting lack of contact, not only for the incarcerated individuals, but also for their family members. Certain inmates who cannot work and do not receive any financial aid from their family members may spend months during their preventive detention and then their detention without any contact with their family.

If they cannot have face-to-face visits, inmates can call their family members using calling cards. The calling cards are particularly expensive. During the hearings, the MSP confirmed that a local call costs $1 per call, no matter how long, while for a long-distance call, it costs $1 for the first minute and $0.40 for each additional minute. That means non-Indigenous individuals pay less for calls because they can be incarcerated in their home region, while Indigenous individuals will most likely pay much more for their calls because of the distance separating them, against their will, from their home region.

To remedy the situation and offer Indigenous inmates an equal chance of rehabilitation, I recommend that the government:

CALL FOR ACTION No. 60

Set up a program to finance family travel when the government has no choice other than to incarcerate an inmate in a provincial establishment far from their residence or home community.

In my opinion, the liaison officers whose presence was the subject of a call for action earlier in this report could be important facilitators in the establishment of this program, specifically by providing guidance to the inmate's loved ones to arrange their trip.

In addition, to compensate for situations where travel is not possible, I recommend that the government:

CALL FOR ACTION No. 61

Allow videoconference communications between inmates and their family members when there is no choice other than to incarcerate an inmate in a provincial establishment far from their residence or home community.

As a result of the unequal access to technology in First Nations and Nunavik communities, to offer a true improvement, this measure will nevertheless have to be accompanied by the requisite investments in information and communications technology.

Thus, since telephone communications are currently the most affordable means to communicate with an inmate, I recommend that the government:

CALL FOR ACTION No. 62

Modify the rules in effect regarding telephone calls so that long-distance calls can be made at the same cost as local calls.

Lastly, the definition of "family" should be modified to take into account the reality of extended families in Indigenous cultures and include aunts, uncles, grandparents and cousins. For example, many Indigenous people live with their grandparents or other relatives while they are growing up. For them, these people are just as significant as the members of their immediate families.

5.3. Dilapidated or unsuitable environment

On another level entirely, it is impossible to address the question of detention conditions without referring to the special report produced by the Québec Ombudsman in 2016 regarding the current situation in Nunavik. Not only does the organization criticize conditions that are below the standards in effect, but it states that they do not uphold the inmates' fundamental rights in all circumstances, including their right to dignity.

From being confined to a cell 24 hours a day, handcuffed in the hallway for several hours or forced to share a cell with several others, the list of problems reported by the Québec Ombudsman is overwhelming. The situations criticized are all completely unacceptable. To remedy the situation, the watchdog organization submitted 30 recommendations to the authorities. In the spring of 2018, after a follow-up, the Québec Ombudsperson, Marie Rinfret, was of the opinion that 16 recommendations had been completed, while 13 had not been completed and were the subject of ongoing monitoring.

In my opinion, there is no reason that can justify the fact that the Nunavimmiut's most basic rights are being violated. Consequently, I recommend that the government:

CALL FOR ACTION No. 63

Immediately implement all the recommendations set forth by the Québec Ombudsman in its special report on detention conditions, administration of justice and crime prevention in Nunavik.

Although the situation in Nunavik is particularly dramatic, major problems have also been brought to my attention elsewhere in Québec, including at the Leclerc correctional facility in Laval, where most of Québec's female Indigenous inmates are incarcerated. Closed in 2012 by the federal authorities due to its disrepair, the establishment was reopened by Services correctionnels du Québec in 2016. Since then, the Barreau du Québec and human rights defence groups have unceasingly called for changes. In its brief to the Commission, the Syndicat des agents de la paix en services correctionnels du Québec also criticized the difficult conditions in that detention centre and the negative impacts on Indigenous women.

However, based on the evidence presented during the Commission's work, the facts apply to many other institutions too. It appears that Indigenous women involved in the justice system are at a clear disadvantage from the moment they are arrested. Not only are they more vulnerable in a police intervention situation, but in remote regions, because of the lack of adequate infrastructure after their arrest, it is not unusual for them to be forced to share a cell with men. Furthermore, there is no separate place to incarcerate women outside Montréal and Québec City. This is another way of saying that these women are systematically sent thousands of kilometres away from their families and children, with all the heartbreak and solitude that entails.

Over the last few years, some improvements have been made regarding the correctional facilities reserved for men. Several of these improvements are significant gains for Indigenous offenders. For example, a circular room that can accommodate 30 people and an outer courtyard where cultural activities can take place have been planned at the new Sept-Îles correctional facility. Arrangements have also been made at the new Amos facility, in addition to separate accommodation areas and videoconferencing equipment for contact with family members living in remote areas.

Compared to this, the fate reserved for incarcerated women in general and for incarcerated Indigenous women in particular appears to be highly discriminatory. In my opinion, it is urgent to remedy this situation. Consequently, I recommend that the government:

CALL FOR ACTION No. 64

Launch a committee, as soon as possible, in collaboration with Indigenous authorities, on improving detention conditions for Indigenous women, from the time of their arrest until their liberation.

5.4. Rights and obligations curtailed

Detention conditions are not limited to physical facilities. Respect for fundamental rights also affects the quality of the services received. Inmates' rights and the counterparts to those rights – in other words, the obligations of correctional services – are set forth in the correctional services regulation and must be followed by all correctional services workers and all organizations that work with inmates. Throughout the Commission's work, however, multiple breaches in this regard have been brought to my attention. They involve things like the way inmates' personal belongs are managed, the circumstances surrounding how strip searches are done and the use of segregation.

Even more worrisome, although it was not possible for me to verify the facts, a person reported having been treated differently based on her origins. If the inmate's impression was founded, it is a serious breach of her fundamental rights. I consider it the correctional authorities' duty to remind their staff about the parameters for doing searches and the circumstances where segregation may be imposed. I also have to reiterate how important it is for correctional authorities to ensure compliance with the regulation under all circumstances.

Several speakers during the Commission's work pointed out major shortcomings in terms of access to medical care for inmates. The rules governing access to services appear to be different depending on whether the health services are managed by the Ministère de la Sécurité publique or the Ministère de la Santé et des Services sociaux. The same applies to the obligations ensuring that prescribed medications are not interrupted when an individual leaves a facility (transfer, release, temporary absence). There is therefore a real risk of sliding through the cracks. Furthermore, in the opinion of the Syndicat des agents de la paix en services correctionnels du Québec, as a result of the lack of medical services available at all times, or due to a lack of sufficient places in the infirmaries in several correctional facilities, inmates and accuseds are deprived of the essential medical care to which they are entitled.

The loss of medical reports is another reality that prevents some individuals from having access to the programs offered or even a possible release. The fact that the files are not computerized and that they belong solely to the infirmary also appears to lead to the loss of certain information when transfers take place.

In this era of information technology, it seems inconceivable to me that this type of situation exists. Consequently, I recommend that the government:

CALL FOR ACTION No. 65

Extend the obligations regarding health care to all medical personnel working with inmates, by regulation or legislative amendment.

CALL FOR ACTION No. 66

Recognize that inmates' medical files belong to them and computerize these files using Dossier santé Québec.

CALL FOR ACTION No. 67

Permit the inmates' complete medical files to be shared with the competent authorities during transfers or releases, by regulation or legislative amendment.

5.5. Poor access to rehabilitation services and activities

The *Act respecting the Québec correctional system* sets forth the obligation for the MSP to develop and offer programs and services to encourage offenders to develop an awareness of the consequences of their behaviour and initiate a personal process focusing on developing their sense of responsibility. These programs must also make special allowance for the specific needs of women and Indigenous people. An attentive study of the evidence gathered from the MSP tends to confirm, however, that the services offered frequently do not distinguish between Indigenous inmates and others.

5.5.1 During incarceration

During incarceration, the programs and services offered are the same for everyone. That said, six correctional facilities where there is a greater number of Indigenous inmates also offer programs specifically adapted for the Indigenous clientele.

Even if these programs do exist, it appears difficult for Indigenous offenders to access them, however. First, 46.4% of Indigenous inmates serve sentences that are less than 30 days long. Another 17.9% are incarcerated for periods from 30 to 60 days, which does not leave much time to benefit from a rehabilitation program.

Because of the previously addressed discriminatory bias created by assessment tools, it is not unusual, either, for Indigenous offenders with longer sentences to be unable to access the programs and services available. The number of offences on their records, declared consumption of alcohol and drugs and the numerous difficulties encountered during their lives (sexual aggression, violence, etc.) mean that a significant number of Indigenous inmates receive unfavourable results during assessment and consequently have limited access to programs and services.

In fact, even when the time spent incarcerated and the intervention plan established allow real commitment to a program, sometimes the limited number of inmates does not allow the programs to be offered. This is particularly true for clients with English or a language other than French as their primary language.

In my opinion, the best way to increase the number of people eligible for the programs is to rely on assessment practices and tools that are truly adapted to Indigenous culture and realities. This should allow the level of risk that an Indigenous inmate presents to be adequately measured and, by the same token, facilitate their inclusion in a reinsertion or rehabilitation program. I therefore once again insist on the importance of developing an assessment tool exclusively for them.

With regard to the time factor, while the sentence length limits Indigenous inmates' involvement in the more elaborate programs and services, I am personally convinced of the added value that access to culturally comforting activities represents in the offender's life, such as craft workshops, meals with traditional foods, sharing circles, access to a sweat lodge and spiritual support provided by Elders.

The evidence shed light on issues related to accessing this type of activity, however. These activities are available in fewer facilities than within the Canadian correctional services, and they are offered less frequently and less regularly.

Consequently, I recommend that the government:

CALL FOR ACTION No. 68

Extend to all correctional facilities in Québec the offer of culturally comforting activities for their Indigenous clients, such as craft workshops, meals with traditional foods, sharing circles, access to a sweat lodge and spiritual support provided by Elders.

To facilitate implementation of this type of activity and guarantee their quality, I furthermore recommend that the Indigenous authorities in Québec:

CALL FOR ACTION No. 69

Identify, for each Indigenous people, Elders interested in intervening in correctional environments and register them in a shared bank of resources that the correctional authorities can consult.

These same Elders could also act as an Elder council for the MSP on the development of guidelines for sacred objects, the type of activities to be implemented and the arrangements required from the perspective of cultural comfort.

Holding cultural and spiritual activities for Indigenous inmates would require visitors to be allowed inside correctional facilities with sacred objects, but correctional officers may subject all visitors to a pat search. Under the federal correctional system, pat searches carried out by correctional officers are governed by rules that respect the sacred nature of certain objects. The evidence did not establish that Québec's correctional services have comparable guidelines in this regard. Therefore, to avoid any untoward problem, I recommend that the government:

CALL FOR ACTION No. 70

Establish guidelines for the security verification of Indigenous sacred objects, in collaboration with Indigenous authorities.

CALL FOR ACTION No. 71

Train correctional officers to recognize Indigenous sacred objects, in collaboration with Indigenous authorities.

5.5.2 In the community

The findings are similar in regard to the services offered outside of correctional facilities. The first issue brought to light was the lack of adapted resources. The situation is particularly problematic in big cities, where no residential community centres, commonly called halfway houses, have places reserved for Indigenous clients. At present, of 366 places in residential community centres, 40 places are dedicated to Indigenous clients. However, with just over one Indigenous person in two now living in an urban environment, there is room for improvement and definitely place for action.

Consequently, I recommend that the government:

CALL FOR ACTION No. 72

Ensure availability in urban environments of places reserved for Indigenous clients in existing residential community centres or, if necessary, conclude an agreement with an Indigenous organization to create this type of resource.

5.6. A difficult return to freedom

Under the *Act respecting the Québec correctional system*, all inmates are eligible for conditional release at varying times in their sentence. The processes and criteria taken into consideration are the same for everyone.

The granting of parole and other temporary absences is a major issue for the Indigenous prison population. For 2016–2017, only 9.0% of Indigenous individuals eligible for temporary absence in preparation for conditional release (commonly known as "one sixth") requested this privilege, compared to 23.9% of non-Indigenous inmates. This represents just 24 of 261 eligible individuals. Among Indigenous people who did request this measure, 62.5% of requests were denied. This rate is inversely proportional to that of non-Indigenous inmates, for whom 65.2% of requests were approved.

The situation is similar for full-fledged parole. In 2016–2017, 180 of 261 Indigenous people chose to renounce this privilege, representing about 69.0%. The renunciation rate for non-Indigenous inmates during the same period was 43.0%. A significant discrepancy between these two groups can also be observed in terms of the granting of parole. While 42.0% of Indigenous inmates' applications for parole were accepted in 2016–2017, the rate for non-Indigenous inmates was 56.0%.

In addition, fewer Indigenous inmates are represented by a lawyer when they appear before the Commission québécoise des libérations conditionnelles. Between 2011 and 2017,

however, even though the use of an attorney increased among non-Indigenous inmates (21.0% vs. 36.0%), it decreased among Indigenous inmates, going from 24.0% to 19.0%. In 2017, the difference between non-Indigenous and Indigenous inmates was therefore 17.0%.

In my opinion, these findings show above all that the parole procedures are ill-adapted to Indigenous realities. Consequently, I recommend that the government:

CALL FOR ACTION No. 73

Modify the *Act respecting the Québec correctional system* to include different processes and evaluation criteria for Indigenous offenders who address the Commission québécoise des libérations conditionnelles.

These criteria must be defined in collaboration with experts from Indigenous communities and take into account both the realities of the First Nations and Inuit and the historical and systemic factors that could have influenced the Indigenous inmates' interactions with the justice and correctional system.

CHAPTER 6

HEALTH AND SOCIAL SERVICES

Although jurisdiction in this field is shared with the federal government, health and social services were among the services included in my inquiry mandate. It has been time well spent. The work revealed that, despite the emergence of some promising initiatives, both access to services and the quality of care and interventions available to Indigenous people are problematic on many levels.

Among other things, the adoption and implementation of the United Nations Declaration on the Rights of Indigenous Peoples would confirm the right of First Nations and Inuit to "access, without any discrimination, to all social and health services." They are also guaranteed "an equal right to the enjoyment of the highest attainable standard of physical and mental health." Above all, the Declaration would make sure that "States shall take the necessary steps with a view to achieving progressively the full realization of this right."

In Québec, this will require an overhaul of the services used by all First Nations members and Inuit outside of their communities. Under existing agreements, special attention should also be given to the needs and realities of the Indigenous nations covered by an agreement (Eeyou, Naskapi and Inuit), for whom most of the care and services provided in the community are funded through the provincial health and social services budget.

From the perspective of the population-based responsibility enshrined in the *Act respecting health services and social services,* and according to the interpretation it has been given by the Ministère de la Santé et des Services sociaux (MSSS), I believe that every effort must be made to guarantee access to services to members of First Nations not covered by an agreement. Refusing to consider the needs of this segment of the population on the pretext that communities not covered by an agreement fall under federal jurisdiction would, in my opinion, be tantamount to consciously turning a blind eye. Since interactions with the rest of the health and social services network under provincial jurisdiction are so frequent, we cannot simply ignore the needs and realities of this segment of the population.

6.1. Cultural barriers

One of the first findings in terms of health and social services is the huge gap between the Western view of health conveyed by many administrators, professionals and actors in the public health care system and that of the Indigenous peoples. Where the public health and social services system relies on biomedical standards and individual initiatives, particularly in the mental health area, the Indigenous peoples seek instead to achieve a state of balance and cohesion, sustained and strengthened by family, friends, the community, and, more broadly, the nation. It is not surprising, therefore, that several witnesses said they had a difficult relationship with the system.

In light of the testimony from many citizen witnesses, it is clear that prejudice toward Indigenous peoples remains widespread in the interaction between caregivers and patients. These prejudices and discriminatory practices toward Indigenous patients can have dire consequences, ranging from removing a child at birth to delayed diagnoses, refusing medical evacuation, not prescribing exams and tests as needed, or even not prescribing the proper medication. Beyond the immediate impacts on the person who is sick, the insecurity-generating experiences of individuals and families lead to an underuse of services by the entire Indigenous population (both in the communities and in the cities). This worsens crises, delays screening and impedes the delivery of care, particularly in cases of chronic, serious or mortal illnesses.

The lack of knowledge of Indigenous realities and the slew of prejudices this generates also lead clinicians and decision makers in the provincial network to fail to respect cultural practices. That would apply particularly to healing practices and repatriation of the placenta or foetus so that it can be disposed of properly in a way that is culturally safe.

From my perspective, although it is impossible to generalize, many voices were heard to state that First Nations members and Inuit feel unsafe when they have to entrust their health to public services.

I am also convinced that enhancing the quality of the services offered to Indigenous peoples in Québec, especially outside Indigenous communities, requires a clear commitment from government authorities in favour of the concept of cultural safeguards.

For this reason, I recommend that the government:

CALL FOR ACTION No. 74

Amend the *Act respecting health services and social services* and the *Act respecting health services and social services for Cree Native persons* to enshrine the concept of cultural safeguards in it, in cooperation with Indigenous authorities.

CALL FOR ACTION No. 75

Encourage the health and social services network institutions to set up services and programs based on cultural safeguard principles developed for Indigenous peoples and in cooperation with them.

CALL FOR ACTION No. 76

Provide sustainable funding for services and programs based on cultural safeguard principles developed for Indigenous peoples.

6.2. Access to service problems

Beyond the system's inability to deal with Indigenous culture, the testimonies and information gathered during the Commission's work revealed major weaknesses in access to services for Indigenous peoples, both in First Nations communities and Inuit villages and in urban settings.

6.2.1 In Indigenous communities or villages

In Indigenous communities, the health and social services provided by band or tribal councils are generally comparable to those made available by CLSCs. In contrast, with the exception of nations covered by an agreement (Eeyou (Cree), Inuit and Naskapi) which can offer a wider range of services on their territories under agreements with the government, in most cases emergency and specialized care falls under the jurisdiction of institutions within the health and social services network and is provided outside the communities. The Commission's work has highlighted major problems in terms of access to those services for Indigenous peoples.

That is the case for emergency ambulatory services and aero-medical evacuations, long-term care, end-of-life care and rehabilitation services for clients with specific psychosocial needs (autism spectrum disorder, fetal alcohol spectrum disorder, etc.), or physical or intellectual limitations. Significant limitations to access were also noted with respect to responses to sexual or family violence or addiction issues, even though there are some resources in Indigenous communities. The availability of suicide prevention or mental health services is also lacking, whether the community is covered by an agreement or not.

From my perspective, the deficiencies observed are incompatible with the population-based responsibility obligations of health institutions. Therefore:

With regard to **emergency ambulatory services and aero-medical evacuations**, I recommend that the government:

CALL FOR ACTION No. 77

Take the necessary measures to make emergency medical transportation services by land or by air, depending on the circumstances, available as soon as possible and on an ongoing basis in all communities, despite constraints, in cooperation with Indigenous authorities.

With regard to **long-term care and end-of-life care**, I recommend that the government:

CALL FOR ACTION No. 78

Encourage the signing of agreements between public health and social services institutions and Indigenous authorities to guarantee spaces and a culturally safe service for aging Indigenous persons and their families.

CALL FOR ACTION No. 79

Financially support the establishment of long-term care services in communities covered by an agreement.

CALL FOR ACTION No. 80

Initiate tripartite negotiations with the federal government and Indigenous authorities to develop long-term care services in communities not covered by an agreement.

CALL FOR ACTION No. 81

Make the development of culturally appropriate spaces for Indigenous nations a priority in public health institutions, particularly in regions where there is a substantial Indigenous population.

CALL FOR ACTION No. 82

Initiate tripartite negotiations with the federal government and Indigenous authorities to establish a formal funding mechanism for returning to the communities at the end of life and for the development of palliative care in the communities.

With regard to **rehabilitation services for clients with specific needs**, I recommend that the government:

CALL FOR ACTION No. 83

Develop priority diagnostic service corridors for Indigenous clients of all ages through tripartite negotiations with the federal government and Indigenous authorities.

CALL FOR ACTION No. 84

Financially support the development of culturally safe, family-centred respite services in communities covered by an agreement and in urban areas.

CALL FOR ACTION No. 85

Initiate tripartite negotiations with the federal government and Indigenous authorities to develop culturally safe, family-centred respite services in communities not covered by an agreement.

With regard to **sexual and domestic violence**, I recommend that the government:

CALL FOR ACTION No. 86

Initiate tripartite negotiations with the federal government and Indigenous authorities to sustainably fund projects created by Indigenous nations, communities and organizations that seek to identify, reduce, prevent and eliminate sexual assault.

In line with the objectives outlined in the Québec Native Women action plan, I also urge Indigenous authorities to:

CALL FOR ACTION No. 87

Raise awareness among the populations of indigenous communities about the nature of sexual assault and promote healthy and respectful sexuality education.

I also recommend that the government:

CALL FOR ACTION No. 88

Fund the development of a network of Indigenous women's shelters in communities covered by an agreement and in urban centres, working with Indigenous authorities.

CALL FOR ACTION No. 89

Initiate tripartite negotiations with the federal government and Indigenous authorities to develop Indigenous women's shelters in communities not covered by an agreement.

With regard to **rehabilitation services for addiction**, I recommend that the government:

CALL FOR ACTION No. 90

Financially support the establishment of culturally safe addiction treatment centres and detoxification centres in urban areas and in communities covered by an agreement.

CALL FOR ACTION No. 91

Initiate tripartite negotiations with the federal government and Indigenous authorities to increase services for addiction prevention and treatment in Indigenous communities not covered by an agreement.

CALL FOR ACTION No. 92

Working with the federal government and Indigenous authorities, draw up less stringent admission rules at addiction treatment centres for off-reserve First Nations members and Inuit.

With regard to suicide prevention, I recommend that the government:

CALL FOR ACTION No. 93

Financially support the development of services for suicide prevention and mental health in communities covered by an agreement and in urban centres, in cooperation with Indigenous authorities.

CALL FOR ACTION No. 94

Draw up a protocol for crisis management in communities covered by an agreement that involves both the public health network and the participation of appropriate Indigenous authorities.

CALL FOR ACTION No. 95

Initiate tripartite negotiations with the federal government and Indigenous authorities to increase services for suicide prevention and mental health in Indigenous communities not covered by an agreement.

6.2.2 In urban environments

Among First Nations members and Inuit in urban environments, one out of five people who have turned to the health and social services network for care said they had not got the responses they wanted. In fact, even when they are accessible, the health and social services offered to urban Indigenous populations rarely meet their needs and expectations because they are far from reflecting the Indigenous health care philosophy and methods.

To compensate, some native friendship centres, including the Centre d'amitié autochtone de Val-d'Or, a pioneer in that field with the Clinique Minowé, offer basic medical services directly in their premises. Set up jointly with the public health institutions operating in their territory, those projects have increased access to services for the urban Indigenous population.

Such initiatives seem promising in terms of reconciliation and the revaluing of Indigenous knowledge, particularly in urban environments. I therefore recommend that the government:

CALL FOR ACTION No. 96

Encourage institutions in the health and social services network to set up services inspired by the Clinique Minowé model in urban settings, working with the Indigenous authorities and organizations in their territory.

CALL FOR ACTION No. 97

Provide recurrent, sustainable funding for services that draw on the Clinique Minowé model and are developed in urban settings for Indigenous peoples.

Beyond access and cultural security, serious shortfalls have been pointed out in communications and patient follow-up between home communities and urban services. They range from medical information getting lost in the bureaucratic maze – which limits the quality of follow-up – to some people not returning to their communities or even dying, with their families never being informed. Things are no better when it comes to ensuring service continuity in the community after a problem arises in the city.

I therefore recommend that the government:

CALL FOR ACTION No. 98

Issue a directive to urban health and social service institutions to establish clear service corridors and communication protocols with Indigenous authorities in the communities.

Our examination of the services available to Indigenous people in urban environments has also shown major shortcomings in how the homeless are treated. The evidence shows that the situation for women is among the most alarming in both the communities and the cities, where they are constantly at risk of violence, sexual abuse and incarceration. As the women frequently take their children with them, it is not unusual for them to face a service vacuum which ends up exposing First Nations children to greater risks of homelessness.

I therefore recommend that the government:

CALL FOR ACTION No. 99

Provide sustainable funding for services to homeless Indigenous clienteles in urban areas.

While acknowledging the work done with the Inuit by some community organizations in the city – including the Native Women's Shelter, Open Door and Chez Doris, to name but a few

– due to their cultural specificity and substantial presence in Montréal, I also recommend that the government:

CALL FOR ACTION No. 100

Fund the creation of a shelter specifically reserved for homeless Inuit clientele in Montréal.

6.3. A complex shared jurisdiction

The complexity created by the shared federal-provincial responsibility, and the resulting administrative red tape, are further obstacles to access. Getting reimbursement for medication and non-urgent medical transportation covered by the federal Non-Insured Health Benefits (NIHB) program have also been described as particularly challenging issues for Indigenous clientele. With respect to medications, the list of products covered by the NIHB is different from the Québec prescription drug insurance plan list, and so is the reimbursement process. To be able to serve the Indigenous clientele properly, pharmacists – mostly outside the community – must use program-specific reimbursement forms, be familiar with the list of medications that are not covered, and have a good general knowledge of the program so that they can find their way around. All those factors are additional obstacles to access.

In fact, according to some witnesses, the differentiated access to drug insurance is discriminatory. The situation is even more critical in addiction treatment centres, where a refusal of coverage for alternative medications (e.g. suboxone or methadone) can create an imminent danger to the patient's survival. From this perspective, I also consider that existing standards and policies have a discriminatory impact on Indigenous peoples.

I therefore recommend that the government:

CALL FOR ACTION No. 101

Initiate discussions with the federal government to dovetail the provincial prescription drug insurance plan with the Non-Insured Health Benefits program in order to offer the most comprehensive, equitable coverage for members of Indigenous communities.

CALL FOR ACTION No. 102

Encourage the professional orders involved (doctors and pharmacists) to give their members training about the federal Non-Insured Health Benefits program.

The issues associated with non-urgent medical transportation are just as complex. Not only do they involve a major exercise in logistics and represent a heavy financial burden for band councils, they are also a substantial barrier to access for people in both the communities and the cities.

First observation: the quality of services varies substantially from one nation to another and even from one community to another. For example, the Cree Board of Health and Social Services of James Bay has long had a department (Cree Patient Services) dedicated to transporting and housing beneficiaries, with points of service in several institutions in the public network, but the Mi'gmaq community of Gespeg had to wait until 2016 for the federal government to reimburse medical transportation expenses for its members.

According to some witnesses, even when it is offered, the current medical transportation model creates difficult situations in some communities. For example, to save money, several patients will be transported in the same vehicle, without considering appointment times. People wait for a long time at the hospital, not only for their own appointments but for the other passengers' appointments as well, because they return as a group.

Depending on the geographic distance, taxi transportation is often used as well, which is not always ideal for the patients' health. This type of transportation also leads to missed appointments. However, the NIHB only reimburses transportation when the patient actually meets the doctor.

While this population's socio-economic situation is generally precarious, the lack of public transit in towns in the region, such as La Tuque, Senneterre and Val-d'Or, is an added barrier to service access. Added to that is the fact that workers in the public network know little about the realities that urban Indigenous people face.

To remedy this situation and lessen the negative impacts of treatment inequity in terms of non-urgent medical transportation, I recommend that the government:

CALL FOR ACTION No. 103

Initiate a strategic planning session on non-urgent medical transportation that includes the federal government, health and social services network institutions and Indigenous authorities.

Several witnesses highlighted the major discrepancies between different types of communities (covered by an agreement, not covered by an agreement, settlement or reserve) in terms of the availability of, access to and quality of services.

For example, the Innu of Pakua Shipu, who live in a very isolated community, receive no federal funding for medical transportation, since it is reserved for communities not covered by agreements and Pakua Shipu is a settlement, not a recognized reserve. Being close to regional urban centres does not necessarily provide greater access. The case of the

Anishnabek of Pikogan treated at the hospital of Amos and who do not benefit from the follow-up of the public health network when they return home, unlike the non-Indigenous people residing in the community, is an example of this. In this community only non-Indigenous patients can receive care from CLSC staff; Indigenous patients who live in the same location cannot.

The Jordan Principle, which was adopted by the House of Commons in December 2007 to ensure that access to health care and services takes priority over any conflict relating to the payment for care between the levels of government, could prevent those kinds of situations. However, the principle applies only to children, and seems to be a major challenge in Québec, despite being limited only to children.

Accordingly, with a view to population-based responsibility, I recommend that the government:

CALL FOR ACTION No. 104

Initiate discussions with the federal government to extend the Jordan Principle to adults.

CALL FOR ACTION No. 105

Working with the federal government, develop an overall approach for applying the Jordan Principle, coupled with budget forecasts for all First Nations and Inuit.

6.4. Human resources management issues

The witnesses at the hearing also reported human resources management issues that sap the provision of services to Indigenous people in the areas of physical health, social services and youth protection.

Recruiting and retaining caregivers and professionals to work in isolated regions is a problem. Not only are the available human resources clearly insufficient to meet the needs, the high turnover rate puts further pressure on the existing staff.

Working conditions also have a negative impact on retention. The wages of employees working in Indigenous communities are not competitive with what the province pays, and do not take the cost of living or the complexity of the duties into account. Although it is the Indigenous organizations that set the working conditions as a general rule, they are dependent on the funding they have, which is often insufficient.

Remoteness is also a problem for recruiting and retaining staff. These issues are exacerbated by the shortage of worker housing, and the lack of work spaces in many Indigenous communities.

Although it may be considered a solution to the problem of cultural safeguards, recruiting Indigenous staff is also a challenge, because few of them complete the university studies leading to a professional designation. MSSS standards require a university degree for some jobs; for other jobs, employees are required to belong to professional orders.

Many witnesses told us that the difficulties of recruiting Indigenous staff had been exacerbated by the *Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations* (Bill 21). Passed in 2009 and implemented in 2012, the Act's purpose was to ensure that "highly vulnerable people receive [...] guarantees of competence, integrity and accountability when using the services of professionals who belong of an order." The implementation of that Act in Indigenous territory quickly became problematic, so much so that, prompted by Indigenous authorities, the provincial government set up the Comité sur l'application du PL-21 au sein des communautés autochtones. That Committee's report notes several issues and advocates rapid intervention. Unfortunately, although they are unanimous, the proposals put foward have so far remained a dead letter. I recommend that the government:

CALL FOR ACTION No. 106

Rapidly implement the recommendations of the Comité sur l'application du PL-21 in First Nations communities and Inuit villages.

That should make it possible to, as the Committee intended:

- Create custom measures for qualifying training, recognition and skills enhancement for First Nations and Inuit professionals so that they can carry out reserved activities under Bill 21;
- Set up regulatory mechanisms to enable professional orders to recognize skills and gradually authorize the exercise of reserved activities;
- Set up incentives for terms of employment;
- Set up attraction and retention measures for professionals who are members of an order;
- Recognize the achievements and skills of peoples who are already working in First Nations and Inuit communities;
- List intervention and assessment tools customized for the First Nations and Inuit context;
- Create a steering committee to monitor the implementation;
- Create a multi-year fund to implement the recommendations.

The difficulty of recruiting Indigenous staff is also attributable to the unfair working conditions they are given. For example, in Nunavik, benefits (annual trips, accommodation, moving costs, etc.) granted to external candidates (hired from more than 50 km away) are worth almost four times more in financial terms than those of their Inuit colleagues: $40,171 compared with $10,809 annually. It goes without saying that this inequity generates some tension in the institution.

To correct the situation, the Indigenous authorities recommended that the MSSS improve the working conditions. At the time this report was being completed, the government had still not given its response.

I recommend that the government:

CALL FOR ACTION No. 107

Follow up as quickly as possible on proposals to improve working conditions from the Nunavik Regional Board of Health and Social Services.

CHAPTER 7

YOUTH PROTECTION SERVICES

When drawing up this Commission's terms of reference in December 2016, the government expressed the desire to devote an entire portion of the inquiry to youth protection services. I was therefore asked to look beyond the structures of the health and social services network and investigate how the legislative framework for youth protection is applied in an Indigenous context. Ample evidence has been collected; in fact, of all the services studied by this inquiry, youth protection gave rise to the greatest number of testimonies and statements from members of First Nations and Inuit.

While many voices were heard, they all point to the same conclusions: the current youth protection system has been imposed on Indigenous peoples from the outside, taking into account neither their cultures nor their concepts of family. Even worse, many believe the youth protection system perpetuates the negative effects of the residential school system, in that it removes a significant number of children from their families and communities each year to place them with non-Indigenous foster families. This speaks to the sensitive nature of this issue and the major challenges involved.

7.1. Principles that result in discrimination

Notwithstanding the negative portrait of youth protection services that emerged during the Commission's hearings, many experts and Indigenous leaders voiced their support for the duty to protect children enshrined in the *Youth Protection Act* (YPA).

Clearly, it is not the fundamental goal of the YPA that is the problem, but rather some of its principles, such as the attachment theory and maximum time periods for foster care, which, like the primacy of parental responsibility, were added to the YPA to take into account the child's interest and the confidentiality principle and its consequences, including the limited sharing of information with extended family or the community.

Those principles are not in line with the cultures and values of Indigenous peoples, whereby the child's welfare is a responsibility shared by a number of people and even an entire community. Nor do they take into account Indigenous peoples' concept of time, the extent of the difficulties faced by Indigenous families and the lack of intensive and preventive services at their disposal.

Those principles guide not only the decisions made on the ground by the various professionals and caregivers involved in youth protection but also the decisions of judges at the Court of Québec, Youth Division which, it should be noted, become legally binding when made official in judgments.

In theory, the various people involved have some leeway in how they interpret those

principles. In practice, however, based on what was said during the hearings, I believe they are not inclined to use that leeway because their commitment to those concepts is so strong. Despite their reserves, it is impossible to deny that those principles create systemic discrimination against Indigenous peoples. I therefore recommend that the government:

CALL FOR ACTION No. 108

Amend the *Youth Protection Act* to exempt Indigenous children from the application of maximum periods for alternative living environments as stipulated in sections 53.0.1 and 91.1.

CALL FOR ACTION No. 109

Amend the *Youth Protection Act* to include a provision on care that is consistent with Indigenous traditions, drawing on Ontario's *Child, Youth and Family Services Act.*

CALL FOR ACTION No. 110

Enshrine in the *Youth Protection Act* a requirement that a family council be set up as soon as an Indigenous child is involved in a youth protection intervention, whether or not the child is at risk of being placed.

CALL FOR ACTION No. 111

Provide professionals working in Indigenous communities with access to provincial information management systems (such as the PIJ).

CALL FOR ACTION No. 112

Share the new directives and standards that apply in youth protection with all professionals responsible for such cases in Indigenous communities in real time.

CALL FOR ACTION No. 113

Make youth protection evaluations and decisions in a way that takes the historical, social and cultural factors related to First Nations and Inuit into account.

CALL FOR ACTION No. 114

Provide judges presiding in the Court of Québec, Youth Division, with reports similar to the Gladue reports used in the criminal justice system for cases involving Indigenous children.

7.2. Unadapted interventions

The divergences between the principles of the YPA and Indigenous values clearly attest to the urgent need to choose intervention and decision-making methods that provide cultural safeguards. Cultural safeguards involve not only a full recognition of the historical, social and cultural specificities of Indigenous peoples, but also an approach based on an understanding of the inequalities inherent in the delivery of health and social services to these peoples.

At this time, however, the methods and tools surrounding the youth protection evaluation processes, including intervention plans and individualized service plans, are not designed to take these different factors into account.

The cultural unsuitability of the assessment and intervention tools used in the Québec youth protection system is reminiscent of a similar problem seen in the prison system. As stated in Chapter 9 of this report on correctional services, the Ministère de la Sécurité publique opted to remedy that problem by overhauling the assessment tools, with the declared aim of eliminating discriminatory biases. Although it is too soon to measure the results, the approach seems promising. I therefore recommend that the government:

CALL FOR ACTION No. 115

Validate the evaluation tools used in youth protection with Indigenous clinical experts.

CALL FOR ACTION No. 116

Overhaul the clinical evaluation tools used in youth protection whose effects are deemed to be discriminatory toward Indigenous peoples, in cooperation with experts from the First Nations and Inuit peoples.

CALL FOR ACTION No. 117

Amend the *Act respecting health services and social services* to include a provision requiring workers to record objectives and methods for preserving cultural identity in the intervention plans and individualized service plans of all children who identify as First Nation or Inuit and are placed outside their family environments.

7.3. Rights unknown and infringed upon

Whether or not they are caused by the discriminatory biases discussed above, the evidence gathered by the Commission highlights several instances where the rights of Indigenous families involved with youth protection have been infringed upon, or where principles and even laws governing youth protection interventions have not been followed.

7.3.1 Keeping the child in the family environment

A fundamental YPA principle is that all decisions must aim to keep the child in the family environment. The case law on this matter is clear. Yet several witnesses had the impression that returning children to the family environment is not a priority of youth protection agencies. Most witnesses, in fact, felt that the children's relationships with their foster parents were prioritized to the detriment of their family relationships.

For example, a number of witnesses deplored the wholly inadequate amount of time they were granted to visit their children who had been placed in alternative care. Several also felt that no conditions had been provided for maintaining a meaningful relationship with their children. In many cases children are placed far from their home communities, and parents lack access to transportation and the financial means to visit them. However, parents are responsible for maintaining the parent-child relationship. While this responsibility may be easily satisfied when children are placed nearby, it becomes very difficult when they are placed over 400 km away.

Against that backdrop, there is a high risk that the DYP can claim that there is no attachment between parent and child, or that the parent has ceased to make efforts (due to lack of contact), whereas the actual problem is the lack of resources needed to maintain the relationship between the child and the birth family.

For the obligation of keeping children in their family environment or returning them home to be meaningful in practice, adequate financial resources must be available to improve the situation of the family environment. That is even more important when an Indigenous child is placed with a non-Indigenous foster family at a young age.

I therefore recommend that the government:

CALL FOR ACTION No. 118

Fund the development of intensive support services in urban environments and Indigenous communities covered by an agreement for parents of Indigenous children who have been placed in foster care.

With a view to population-based responsibility, I also recommend that the government:

CALL FOR ACTION No. 119

Initiate tripartite negotiations with the federal government and Indigenous authorities to finance the development of intensive support services in communities not covered by an agreement for parents of Indigenous children who have been placed in care.

7.3.2 Placement with significant people

When children cannot remain in their family environments the law is clear: the DYP must make a decision that ensures, insofar as possible with the persons most important to the child, in particular the grandparents or other members of the extended family, the continuity and stability of those relationships.

However, in light of the testimony heard and the documents filed, it seems that these principles are not always followed. Members of extended families heard by the Commission explained that they were either never consulted or not considered when they stated their intentions of caring for a child.

If it is not possible to place children with significant people or families from their communities or nations, it is possible to require the alternate environment to make additional efforts to ensure that the children remain in contact with their cultures, languages and communities of origin.

In my opinion, it is important not only to make a real and considerable effort to find foster families in the Indigenous children's home communities, but also to acknowledge the specific issues I have just outlined. Otherwise, there is a high risk in keeping Indigenous children in non-Indigenous foster families when they could have benefited from placement in an Indigenous environment.

I therefore recommend that the government:

CALL FOR ACTION No. 120

Working with Indigenous authorities, draw up a placement policy specific to members of First Nations and Inuit that provides that Indigenous children be first placed with their immediate or extended families and, if that is not possible, with members of their communities or nations.

CALL FOR ACTION No. 121

Make sure that a cultural intervention plan is produced and implemented whenever an Indigenous child must be placed in a non-Indigenous alternative environment.

7.3.4 Representation by a lawyer and participation in legal proceedings

Several testimonies also highlighted a problem with access to justice in youth protection. Not only are parents not always aware that they can be represented by a lawyer, but the very limited resources can make it difficult for them to have access to legal advice from either a lawyer or a courtworker, especially in remote communities.

The infrequent hearings held by the Court of Québec, Youth Division in remote regions also appears to be a problem, mainly because parents and children have to travel to attend hearings, which they cannot always afford to do. To remedy the situation some band councils have opted to pay the costs so that parents can attend and participate in the legal proceedings, despite the fact that it is not an eligible expense. However, that creates a problem when they are making their accounts to the federal government.

In my opinion, deprived of equitable access to justice due to factors beyond their control, Indigenous youngsters and parents risk having their rights to a hearing infringed.

I also recommend that the government:

CALL FOR ACTION No. 122

Assign additional resources to remote Indigenous communities where access to lawyers is limited.

CALL FOR ACTION No. 123

Provide financial support for hiring courtworkers and promote the use of paralegal services to support and accompany parents and children who are subject to the *Youth Protection Act*.

CALL FOR ACTION No. 124

Initiate tripartite negotiations with the federal government and Indigenous authorities, as applicable, to agree on a budget to provide for Indigenous parents or guardians to attend hearings at the Court of Québec, Youth Division (transportation, meals and lodging costs).

7.3.4 Alternatives to solutions suggested by the DYP

Under the YPA, parents also have the right to propose alternatives to solutions suggested by youth protection workers. However, some of the witnesses pointed out that the cultural alternatives proposed by Indigenous parents to end situations of danger, such as healing in the forest or more spiritual therapies, are not recognized as valid solutions by the department of youth protection or the courts. However, the benefits of such approaches to healing, like therapeutic stays in the forest, have been written about and their relevance and effectiveness have been demonstrated.

I therefore recommend that the government:

CALL FOR ACTION No. 125

Recognize and financially support cultural healing approaches when proposed by families subject to the *Youth Protection Act*.

7.4. Persistent over-representation

The over-representation of Indigenous children in the youth protection system is a proven fact in both Québec and the rest of Canada. Wanting to learn more about this situation, the Commission's team talked to the institutions operating in the 18 health regions of Québec to obtain data about the placement (under voluntary measures or court-ordered) and full adoptions of Indigenous children for the period covered by my mandate: 2001 to 2017. An analysis of the information obtained tends to confirm that Indigenous children are over-represented in the youth protection system in at least four health regions, namely, Saguenay–Lac-Saint-Jean, Abitibi-Témiscamingue, North Shore and Lanaudière.

Beyond the figures, this exercise revealed serious failings in the data collection methods of public agencies. Not only is the data not uniform and does not cover the entire period, but there are also major regional differences in how data about children who have been placed is compiled. The available data does not help us determine whether the people taking in Indigenous children (either as foster families or adoptive parents) are themselves Indigenous and members of the same Indigenous nations as the children. Nor does the data indicate whether the placements are temporary (e.g. 6 months) or permanent (e.g. until adulthood). However, that information is extremely important when it comes to preserving the cultural identity of Indigenous children when they are placed.

Lastly, it should be noted that when statistics are compiled in the various IT systems, the child's ethno-cultural profile is determined according to the information available. When that profile is unknown, the child is listed in the system as non-Indigenous by default. That is most likely to occur in the case of Indigenous children living in urban environments.

The major shortcomings of data collection limit the ability of provincial institutions to get a clear picture of the actual situation concerning the over-representation of Indigenous children in the various stages of youth protection intervention (cases reported and accepted, evaluations justified, voluntary and court-ordered measures, children monitored after the application of measures, number of children placed in care or adopted, etc.). It therefore becomes difficult or even impossible to assess the effectiveness and efficiency of the services for Inuit and First Nations children.

Faced with the same problem, the Manitoba government opted for a unique data gathering approach. The Manitoba Population Research Data Repository (MPRDR) is a database that consolidates administrative data, surveys, records and figures from a variety of fields including youth protection, health and social services, and justice. Through data linkage, the database

makes connections among figures originating from different sources; it might combine data for health and youth protection, for example. Four studies that have the potential to influence public policy are funded every year. Those studies must be made public and, even though the participants' privacy is protected, the government cannot keep any sensitive information confidential. The data can also be accessed by researchers to guide their research into the concerns of the partner Indigenous communities and organizations.

The Manitoba experience shows that it is feasible to obtain an accurate picture of the situation for the purpose of making informed decisions. I therefore recommend that the government:

CALL FOR ACTION No. 126

Working with Indigenous authorities, make an annual calculation of the number of Indigenous children subject to the *Youth Protection Act* and obtain any other data deemed relevant under the Act in order to accurately assess the presence of Indigenous children in the system and how they are treated.

7.5. Insufficient services

The over-representation of Indigenous children in the system is even more of a concern because the First Nations and Inuit in Québec are dealing with serious issues when it comes to accessing child and family services.

7.5.1 Local social services

The high rates for reporting, taking in charge and placement involving Indigenous children especially highlight the fact that preventive social services are insufficient or even unavailable in a number of communities. Funding is the core of the problem.

For instance, a number of communities not covered by an agreement did not receive any funding to develop local social services before 2009. The delay in providing funding meant that youth protection services were the primary gateway for receiving services.

The lack of funding for culturally safe preventive services is also an issue in communities covered by an agreement. The Eeyou (Cree) and Naskapi have been saying since 2012 that the funding formula for that type of service was outdated and no longer met their needs. The same goes for Nunavik. The Parnasimautik report released in 2014 discussed the major difficulties experienced by Inuit families and the substantial investments needed in terms of prevention, community support and specialized services. The report also pointed out that the funding parameters do not usually take essential factors such as the geographic, climate and social realities, including population growth, into account.

As stated earlier, living conditions continue to be difficult in Québec's Indigenous communities. Those conditions have impacts on the children's development in terms of education and health. Among them are children who are therefore at higher risk of falling under the YPA.

The problem is even more pressing in remote communities where the lack of services often makes it impossible to implement the recommendations of reviewers or judges or to comply with the obligations entered on orders, as corroborated by a social worker.

I therefore recommend that the government:

CALL FOR ACTION No. 127

Increase availability and funding for local services intended for Indigenous children and their families, including crisis management services, in communities covered by an agreement and in urban environments.

With a view to population-based responsibility, I also recommend that the government:

CALL FOR ACTION No. 128

Initiate tripartite negotiations with the federal government and Indigenous authorities to increase the availability of local services intended for Indigenous children and their families, including crisis management services, in communities not covered by an agreement.

7.5.2 Foster families

Youth protection prevention services are not the only services that are lacking in the communities. It is also important to note that there are few Indigenous foster families that are able to meet the evaluation criteria set by the MSSS.

In fact, although the Ministère has reviewed its evaluation criteria, according to the testimonies we heard, there are still a number of negative factors when it comes to putting children in the care of significant people. For example, that is the case when it comes to whether home insurance is obtained and the lack of support available to kinship foster families. On the pretext that they are already compensated, those families do not have access to respite services.

The evidence also highlighted a significant disparity in how Indigenous foster families are treated financially. Jurisdictional conflicts between the federal and provincial governments are partly to blame for this situation, at least for nations not covered by an agreement.

Even though, in theory, they are better protected against federal-provincial jurisdictional conflicts because of their agreements with the provincial government, foster families in communities covered by an agreement (Inuit, Cree (Eeyou) and Naskapi) also receive much less than foster families in other administrative regions. The fact that they are not represented by an association appears to be the reason those foster families receive much less than foster families located in other administrative regions. As a result, they may have trouble meeting the needs of the children they are caring for, particularly since the cost of living is much higher in the North.

The role of foster families, especially kinship foster families, is crucial in the youth protection system. I therefore recommend that the government:

CALL FOR ACTION No. 129

Clarify and change the eligibility criteria for Indigenous foster families, including the criteria for the physical environment and the follow-up done with foster families, so that those families can access the services they need to provide the best possible environment for the children.

CALL FOR ACTION No. 130

Ensure that families and significant people who are not represented by an association and who foster Indigenous children receive financial compensation equivalent to family-type resources under the *Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreement.*

7.5.3 Rehabilitation centres

In Nunavik, due to the difficulties of recruiting foster families, a higher number of children are placed in living units in rehabilitation centres. The system is under such pressure that the occupancy rate in the area's centres – up to 136.0% at some units in 2017–2018 – exceeds the number of spaces available.

Coupled with these high occupancy rates, the shortage of workers and educators at these centres also means that the focus shifts from healing intervention to management and control. According to managers of rehabilitation services for young persons, centre employees regularly work overtime, which compromises their ability to effectively supervise children and may put the youngsters at risk. A lack of security measures at these rehabilitation centres was also mentioned by witnesses.

I find these kinds of situations unacceptable. I therefore recommend that the government:

CALL FOR ACTION No. 131

Invest to increase the number of available spaces where needed at youth rehabilitation centres in Indigenous communities covered by an agreement.

With a view to population-based responsibility, I also recommend that the government:

CALL FOR ACTION No. 132

Initiate tripartite negotiations with the federal government and Indigenous authorities to increase the number of available spaces where needed at youth rehabilitation centres in Indigenous communities not covered by an agreement.

7.6. Non-existent or insufficient post-placement services

Many scientific studies have shown that young people who have gone through the youth protection system are particularly at risk of experiencing challenges with socio-professional integration, major social problems and run-ins with the law. It is therefore crucial to prepare them for independent living and support them post-placement, in order to reduce the likelihood of criminalization and victimization.

This is even more important for Indigenous children. Being placed outside their villages and communities creates additional challenges for young First Nations members and Inuit. Although many of them decide to relocate close to their families once they turn 18, they have often lost their language and culture. That makes reintegration much more difficult. They also have very little access to resources for help with this process.

I therefore recommend that the government:

CALL FOR ACTION No. 133

Increase the level of and funding for post-placement services for indigenous children in communities covered by an agreement and in urban centres.

With a view to population-based responsibility, I also recommend that the government:

CALL FOR ACTION No. 134

Initiate tripartite negotiations with the federal government and Indigenous authorities to increase the level of and funding for post-placement services in Indigenous communities not covered by an agreement.

7.7. Redefining governance

Some would say (correctly) that the problems raised before the Commission are not exclusive to members of First Nations and Inuit who are subject to the YPA. It is important to understand, however, that the consequences are different in an Indigenous context. Not only are parents and children separated very quickly, but placing them in non-Indigenous foster homes makes it hard to preserve children's culture and maternal language, as many of the testimonies demonstrate.

For some witnesses, the current approach to child placement is just part of a continuum of disappearance: like the residential school system and the illegal adoptions known as the "sixties scoop," it contributes to the erasure and weakening of the Indigenous communities' social fabric. Others went so far as to say that the youth protection system, with its high rate of placement among Indigenous children, is "the new residential school experience". It

should come as no surprise that, in this context, Indigenous communities believe the DYPs are there to "remove" children. In some Indigenous languages (such as Anishnabe), the term "director of youth protection" is translated as "he or she who removes or takes children."

I have no doubt that, for Indigenous peoples, the youth protection system has reached its limit. The government's attempts to improve the situation over the years by amending the YPA, with provisions allowing Indigenous communities to assume certain duties associated with youth protection, is a sign of awareness.

For example, s. 37.7 of the Act allows some duties normally assigned to DYPs to be assumed by social workers in Indigenous communities not covered by an agreement. Most Québec communities not covered by an agreement have availed themselves of that option and made bilateral agreements with the CISSS or CIUSSS on their territories.

Although this approach may be popular, the evidence reveals that the current agreements are becoming obsolete. Many bilateral agreements have not been renegotiated in years. Such is the case for the agreement between the Centre de protection de l'enfance et de la jeunesse de la Côte-Nord (known today as CISSS de la Côte-Nord) and the Pessamit community, signed in 2003, the 2005 agreement with Essipit, the 2005 agreement with Regroupement Mamit Innuat, and the 2010 agreement with Uashat mak Mani-Utenam. Needless to say, these communities have undergone significant transformations in the years since those agreements were signed, and their needs may have changed.

In addition, many sections of those agreements are no longer applicable because of changes made since the passing of the *Act to Modify the Organization and Governance of the Health and Social Services Network, in Particular by Abolishing the Regional Agencies.* That Act, which precipitated a major transformation in the way health and social services are organized, has shifted the responsibility for certifying foster families (who are key to the application of the YPA). Lastly, because there is no framework governing the content of such agreements, their elements and level of detail vary significantly from one to the next.

Although these kinds of agreements seem promising on paper, they should not be seen as granting autonomy to Indigenous communities. In reality, those communities remain entirely subject to Québec standards and remain under the control of DYPs or the MSSS.

However, while the Act grants the Director of Youth Protection and his or her staff exclusive responsibilities for children who need protection, it also opens the door to shared responsibility with Indigenous authorities. From the perspective of reconciliation, this is the aspect of the Act I believe it is important to promote.

I therefore recommend that the government:

CALL FOR ACTION No. 135

Provide communities that want to update their agreements or take over youth protection services under s. 37.7 of the *Youth Protection Act* with financial support and immediate and unrestricted guidance.

The conclusion of agreements under s. 37.5 of the YPA is another example of provisions that allow Indigenous communities to assume some youth protection responsibilities.

In practical terms, s. 37.5 has enabled Indigenous organizations or communities to conclude agreements with the government for setting up their own youth protection systems since 2000. Such systems must comply with the general principles of the Act and all MSSS requirements. I believe this significantly limits the implementation of separate systems or programs that better match the values and cultural practices of Indigenous peoples. Moreover, in almost 20 years, only the Atikamekw Nehirowisiw – after sustained effort – have managed to sign an agreement with the government.

The situation is barely better for communities covered by an agreement, despite the fact that Eeyou (Cree) communities and Inuit villages can create local or regional institutions responsible for youth protection services under the JBNQA. While integration into the provincial network offers many advantages, decision making is insufficiently decentralized and often leads to the drafting of laws or regulations that cannot be applied to the situation. So the Indigenous authorities are always having to prove the inadequacy of these regulations or how they conflict with administrative provisions of the convention.

For all these reasons, it is necessary and urgent to reduce the control exercised by government officials. I believe that, by continuing to impose or develop policies that ignore the will of Indigenous people, the government is helping to keep communities fragile and merely delaying an internal transformation that is already well under way.

I therefore recommend that the government:

CALL FOR ACTION No. 136

Encourage the conclusion of agreements under s. 37.5 of the *Youth Protection Act* by relaxing criteria and simplifying the process that leads to the conclusion of such agreements.

CALL FOR ACTION No. 137

Provide communities that want to take over youth protection services under s. 37.5 of the *Youth Protection Act* with financial support and immediate and unrestricted guidance.

CHAPTER 8

MOVING FORWARD

The realities experienced by the First Nations and Inuit have been examined during various consultation and inquiry exercises at both the provincial and federal levels in recent decades. The most recognizable of them are without question the Royal Commission on Aboriginal Peoples and the Truth and Reconciliation Commission of Canada. Even though the reports coming out of those exercises were well received, the vast majority of the proposed recommendations or calls for action have never been acted upon, even years after the reports were issued. As early as the Commission's first hearings, some of the witnesses lamented this situation and asked for a follow-up mechanism to ensure that the calls for action proposed in this report would be implemented effectively. The government itself recognized that need, even indicating in the order creating the Commission that it wanted to "implement a mechanism to assess and follow up on the recommendations made by the inquiry commission."

8.1. Formal follow-up mechanism

After reviewing the challenges facing us, I personally came to the conclusion that the solution comes in the form of a follow-up mechanism that is independent from the parties involved.

The choices made by my predecessors working on other commissions led me to that conclusion. As I looked at previous Canadian commissions, I noted that most of the post-commission assessments were done by follow-up committees consisting largely of a government contingent. For certain commissions, the assessment data were also generated and analyzed by the government departments targeted in the inquiry, which raised doubts about the impartiality of the process. Moreover, the follow-up was very often limited to a few of the proposed solutions and was very rarely done again later. The outcome convinced me to avoid that model. Not only were the actual improvements not measured adequately and the changes still not implemented, but subsequent commissions were needed in order to revisit the abandoned recommendations. Too often in the past, the work done by the commissions was transformed into a wave of major disappointment when the time came to take action. Over time, the resulting status quo did nothing except further erode the already fragile trust between Indigenous peoples and public services. All of that has to stop.

The proposed changes are bold and require us to rethink many approaches. Consequently, it would be beneficial to put some distance between the organizations affected by these changes and those that will be assessing how the changes are deployed on the ground. The proposed follow-up mechanism must have to include real power in terms of influencing or even compelling the services concerned. It must also rely on recognized experience for both analyzing public policies and programs and taking into consideration the Indigenous culture

and realities. Lastly, in addition to those considerations and given that action is urgently needed in a number of areas, the solution identified has to be deployable quickly and easily.

All these elements were pointing in the direction of using an existing entity. My attention was naturally drawn to the Québec Ombudsman because it already handles issues that are closely related to the Commission's mandate.

This impartial, independent ombudsman has already demonstrated an ability to handle Indigenous issues in connection with relations with public services. The report on detention conditions, administration of justice and crime prevention in Nunavik, which was released in 2016, substantiates this. The same applies with respect to the observations made more recently about the cultural identity of First Nations children in a youth protection context.

Those reports were well received by Indigenous authorities and have already led to concrete actions, which confirms that public services are open to recommendations from the Québec Ombudsman. Moreover, even though the Québec Ombudsman has no authority to enforce its recommendations, it estimates that more than 98.0% of them are approved.

The fact that the Québec Ombudsman already has a structure in place and an assigned budget and that it reports directly to the National Assembly are further reasons to choose it. Not only are its existence and financial independence assured, but it also benefits from operating a healthy distance away from the political and administrative personnel working in the government ministries and agencies targeted by my calls for action.

I therefore recommend that the government:

CALL FOR ACTION No. 138

Give the Québec Ombudsman the mandate to assess and follow up on the implementation of all the calls for action proposed in this report until such time as they have been fully executed.

To fulfill that mission, the Québec Ombudsman will likely require additional financial and human resources. I therefore also recommend that the National Assembly:

CALL FOR ACTION No. 139

Ensure that the budget granted to the Québec Ombudsman is adjusted to take into account the new responsibilities that it has been given.

With a view to being transparent, I also consider it essential that the Québec Ombudsman's conclusions be made public on a regular basis. For that reason, I recommend that the government:

CALL FOR ACTION No. 140

Include in the *Public Protector Act* the obligation for the Québec Ombudsman to produce and make public each year a progress report on the implementation of the Commission's calls for action until such time as they are fully executed.

8.2. Citizen monitoring

In addition to the proposed formal follow-up mechanism, citizen monitoring is another way to help ensure that the calls for action are implemented in concrete terms. During our work, many of the Indigenous representatives said that they wanted to very closely monitor the implementation of the calls for action that would be proposed by the Commission. A number of them also indicated that they would like the report itself to be distributed as widely as possible in their communities. They hope that this will not only allow the First Nations members and the Inuit to be informed about the conclusions reached, but also result in a certain level of citizen monitoring of the implementation of the proposed solutions.

However, given that the format of a public inquiry commission's report is more formal than straightforward and is certainly very far removed from the oral traditions of Indigenous peoples, the report can be a major obstacle for First Nations members and the Inuit who want to take a critical look at how the proposed calls for action are being implemented. If we take into account the findings concerning language, especially as a barrier to access and self-determination, distributing the report in French and English only also seems to be insufficient.

When it comes to reconciliation and true collaboration between one nation and another, I believe that it is essential for First Nations members and the Inuit of Québec to be able to make the content of this report their own.

I therefore recommend that the government:

CALL FOR ACTION No. 141

In cooperation with the representatives of the Indigenous peoples of Québec, translate this Commission's summary report as soon as possible into all Indigenous languages used in written form in Québec and distribute it.

Out of respect for the oral traditions of those peoples, I also recommend that the government:

CALL FOR ACTION No. 142

Ensure that the content of this Commission's summary report is distributed as soon as possible by means of alternative oral distribution methods identified by the Indigenous authorities themselves based on their peoples' needs and realities.

SUMMARY OF CALLS FOR ACTION

CALL FOR ACTION No. 1
Make a public apology to members of First Nations and Québec's Inuit for the harm caused by laws, policies, standards and the practices of public service providers.

CALL FOR ACTION No. 2 – To National Assembly
Adopt a motion to recognize and implement the United Nations Declaration on the Rights of Indigenous Peoples in Québec.

CALL FOR ACTION No. 3
Working with Indigenous authorities, draft and enact legislation guaranteeing that the provisions of the United Nations Declaration on the Rights of Indigenous Peoples will be taken into account in the body of legislation under its jurisdiction.

CALL FOR ACTION No. 4
Incorporate ethno-cultural data collection into the operation, reporting and decision making of public sector organizations.

In practice, this means:

- Providing public sector organizations with standards and guidelines for collecting data about care and services; such standards and guidelines should define the grounds on which information can be collected and the ways it can be protected; that will have to be done in cooperation with Indigenous authorities and in compliance with existing research guidelines and protocols in order to factor in their cultural characteristics.
- Providing the necessary technology tools for public sector organizations to collect ethno-cultural data.
- Tasking the Commission d'accès à l'information du Québec with overseeing the practices of public bodies in collecting ethno-cultural data.
- Requiring public sector organizations to annually draw up and make public an ethno-cultural portrait of the persons served.
- Working with Indigenous peoples and independent experts, producing an analysis of the data collected every five years in order to document discriminatory practices and biases, assess progress and guide future direction and actions.

CALL FOR ACTION No. 5
Make the necessary administrative and legislative changes to allow Indigenous authorities to access data about their populations at all times, in the health and social services sectors in particular.

CALL FOR ACTION No. 6
Make population surveys on Indigenous peoples an ongoing research priority with sustained funding.

CALL FOR ACTION No. 7 – To Indigenous authorities
Make all the First Nations band councils and Inuit village councils aware of the importance of participating in surveys of their populations.

CALL FOR ACTION No. 8
Conclude agreements with the federal government under which both levels of government financially support the development and improvement of housing in all indigenous communities in Québec.

CALL FOR ACTION No. 9
Continue the financial investments to build housing in Nunavik, taking families' actual needs into account.

CALL FOR ACTION No. 10
Contribute financially to social housing initiatives for Indigenous people in urban environments.

CALL FOR ACTION No. 11
Make implementation of student retention and academic success measures for Indigenous students and young people a priority and allocate the amounts required, guided by the needs identified by the Indigenous peoples themselves and complying with their ancestral traditions.

CALL FOR ACTION No. 12
Amend the *Regulation to authorize professional orders to make an exception to the application of section 35 of the Charter of the French language* to extend the exception to all professionals exercising their professions on a reserve, in a settlement in which an Indigenous community lives or on Category I and Category I-N lands within the meaning of the *Act respecting the land regime in the James Bay and New Québec,* regardless of where they reside.

CALL FOR ACTION No. 13
Expand the scope of the *Regulation to authorize professional orders to make an exception to the application of section 35 of the Charter of the French language* to exempt interpreters and translators of Indigenous languages from the French-language knowledge requirements.

CALL FOR ACTION No. 14
Make Indigenous language translation and interpreting services permanently accessible throughout Québec by establishing a centralized database of government-employed interpreters and translators.

CALL FOR ACTION No. 15
Promote and permit bilingual and trilingual signage in establishments that serve large Indigenous populations who speak a language other than French.

CALL FOR ACTION No. 16
Make forms available in Indigenous language translations at government service centres.

CALL FOR ACTION No. 17
Ensure that all government correspondence with Indigenous authorities is accompanied by either an English or Indigenous language translation, at the choice of the community or organization in question.

CALL FOR ACTION No. 18
Issue a directive to establishments in the health and social services network ending the prohibition against speaking an Indigenous language in the context of housing, health care and services.

CALL FOR ACTION No. 19
Create and fund permanent positions for liaison officers selected by Indigenous authorities to be accessible in the villages of Nunavik, First Nations communities and Indigenous friendship centres in Québec.

CALL FOR ACTION No. 20
Carry out a public information campaign on Indigenous peoples, their history, their cultural diversity and the discrimination issues they face, working with Indigenous authorities.

CALL FOR ACTION No. 21
Further enrich the Québec curriculum by introducing a fair and representative portrait of Québec First Nations and Inuit history, working with Indigenous authorities.

CALL FOR ACTION No. 22
Introduce concepts related to Indigenous history and culture as early as possible in the school curriculum.

CALL FOR ACTION No. 23
Include a component on Québec First Nations and Inuit in professional programs at colleges and universities (medicine, social work, law, journalism and other programs), working with Indigenous authorities.

CALL FOR ACTION No. 24
Make the professional orders aware of the importance of including content in their training programs, developed in cooperation with Indigenous authorities, that addresses cultural safeguards and the needs

CALL FOR ACTION No. 25
Make training developed in cooperation with Indigenous authorities that promotes cultural sensitivity, cultural competence and cultural safeguards available to all public service managers, professionals and employees who are likely to interact with Indigenous peoples. Out of respect for the cultural diversity of Indigenous nations, this training must be adapted to the specific Indigenous nation(s) with which the employees interact.

CALL FOR ACTION No. 26
Provide ongoing and recurrent training to all public service managers, professionals and employees who are likely to interact with Indigenous peoples.

Police services

CALL FOR ACTION No. 27 – To Indigenous police forces
Adopt and implement a conflict of interest policy for the handling of investigative and intervention matters.

CALL FOR ACTION No. 28 – To Indigenous authorities
Explore the possibility of setting up regional Indigenous police forces.

CALL FOR ACTION No. 29
Revise how the training of recruits hired by Indigenous police officers is financed to reduce the cost difference between the various categories of candidates.

CALL FOR ACTION No. 30
Inject the funds required to ensure that the offering of regular and continuing education at the École nationale de police du Québec is fully accessible in English and French.

CALL FOR ACTION No. 31
In collaboration with Indigenous authorities, establish a complete status report on the state of the infrastructure and equipment available to Indigenous police forces, the wages and the geographic (distance, road access, etc.) and social (criminality, poverty, etc.) realities of the communities they serve.

CALL FOR ACTION No. 32
Initiate negotiations with the federal government and Indigenous authorities to agree on a budgetary envelope for upgrading Indigenous police force wages, infrastructure and equipment.

CALL FOR ACTION No. 33 – To Indigenous authorities
Assess the possibility of implementing joint purchasing policies for all Indigenous police forces in Québec.

CALL FOR ACTION No. 34
Amend Section 90 of the *Police Act* to readily acknowledge the existence and status of Indigenous police forces as being similar to those of other police organizations in Québec.

CALL FOR ACTION No. 35
Undertake negotiations with the federal government and Indigenous authorities to ensure recurring and sustainable funding for all Indigenous policing.

CALL FOR ACTION No. 36
Modify the process for allocating budget resources to police forces to reflect the needs identified by Indigenous authorities in terms of infrastructure, human, financial and logistical resources and the individual realities of the communities or territories.

CALL FOR ACTION No. 37
Assess the possibility of setting up mixed intervention patrols (police officers and community workers) for vulnerable persons, both in urban environments and in First Nations communities and Inuit villages.

CALL FOR ACTION No. 38
Amend the *Police Act* to extend the time limit for filing police ethics complaints to three years.

CALL FOR ACTION No. 39
Conduct information campaigns among Indigenous populations concerning the existing complaints processes.

Justice services

CALL FOR ACTION No. 40
Fund projects developed and managed by Indigenous authorities that are aimed at documenting and revitalizing Indigenous law in all sectors deemed to be of interest.

CALL FOR ACTION No. 41
Amend the existing laws, including the *Act respecting the Director of Criminal and Penal Prosecutions*, to allow agreements to be signed to create specific justice administration systems with Indigenous nations, communities or organizations active in urban areas.

CALL FOR ACTION No. 42
Encourage the introduction of community justice programs and the implementation of alternative measures programs for Indigenous adults in all cities where the Indigenous presence requires it.

CALL FOR ACTION No. 43
Set aside a sustainable budget for Indigenous community justice programs and for the organizations responsible for keeping them up to date, proportionate to the responsibilities assumed and adjusted annually to ensure its stability, factoring in the normal increases in operating costs of such programs.

CALL FOR ACTION No. 44
Amend the *Act respecting legal aid* to introduce special tariffs of fees for cases involving Indigenous people, in both civil and criminal matters.

CALL FOR ACTION No. 45
Invest in developing premises adequate to the exercise of justice in each of the communities where the Itinerant Court sits, as soon as possible.

CALL FOR ACTION No. 46 - To towns and municipalities of Québec
Stop incarcerating people who are vulnerable, homeless or at risk of becoming homeless for non-payment of fines for municipal offences.

CALL FOR ACTION No. 47 - To towns and municipalities of Québec
Set up a PAJIC for people who are vulnerable, homeless or at risk of becoming homeless.

CALL FOR ACTION No. 48
Amend the *Code of Penal Procedure* to stop the incarceration of people who are vulnerable, homeless or at risk of becoming homeless for non-payment of fines for municipal offences.

CALL FOR ACTION No. 49
Provide sustainable funding to PAJICs for people who are vulnerable, homeless or at risk of becoming homeless.

CALL FOR ACTION No. 50
Institute the use of videoconferences for bail hearings as soon as possible for accused persons in remote areas, particularly in Nunavik.

CALL FOR ACTION No. 51
Set aside a budget envelope earmarked exclusively for the writing of Gladue reports and increase the remuneration for all writers.

CALL FOR ACTION No. 52
Increase the number of writers authorized to produce Gladue reports.

CALL FOR ACTION No. 53
Fund the organizations involved in producing Gladue reports so that they can enhance and standardize the training provided to accredited writers, in cooperation with Indigenous authorities.

CALL FOR ACTION No. 54
Periodically review the quality of work done by Gladue report writers, in cooperation with Indigenous authorities.

CALL FOR ACTION No. 55
Provide for Gladue letters to be written automatically whenever an Indigenous person enters the system, and provide funding therefor.

Correctional services

CALL FOR ACTION No. 56
Train all Québec probation officers to prepare Indigenous pre-sentencing reports and teach them the reassuring cultural approach for collecting information.

CALL FOR ACTION No. 57
Develop an assessment tool specific to Indigenous offenders with the collaboration of experts from First Nations and Inuit peoples.

CALL FOR ACTION No. 58
Implement, as quickly as possible, and in all regions of Québec, alternative measures to incarceration for people sentenced to an intermittent sentence, including sustainable funding.

CALL FOR ACTION No. 59
Measure and report annually on the situation regarding transfers of Indigenous inmates, in collaboration with partner Indigenous organizations.

CALL FOR ACTION No. 60
Set up a program to finance family travel when the government has no choice other than to incarcerate an inmate in a provincial establishment far from their residence or home community.

CALL FOR ACTION No. 61
Allow videoconference communications between inmates and their family members when there is no choice other than to incarcerate an inmate in a provincial establishment far from their residence or home community.

CALL FOR ACTION No. 62
Modify the rules in effect regarding telephone calls so that long-distance calls can be made at the same cost as local calls.

CALL FOR ACTION No. 63
Immediately implement all the recommendations set forth by the Québec Ombudsman in its special report on detention conditions, administration of justice and crime prevention in Nunavik.

CALL FOR ACTION No. 64
Launch a committee, as soon as possible, in collaboration with Indigenous authorities, on improving detention conditions for Indigenous women, from the time of their arrest until their liberation.

CALL FOR ACTION No. 65
Extend the obligations regarding health care to all medical personnel working with inmates, by regulation or legislative amendment.

CALL FOR ACTION No. 66
Recognize that inmates' medical files belong to them and computerize these files using Dossier santé Québec.

CALL FOR ACTION No. 67
Permit the inmates' complete medical files to be shared with the competent authorities during transfers or releases, by regulation or legislative amendment.

CALL FOR ACTION No. 68
Extend to all correctional facilities in Québec the offer of culturally comforting activities for their Indigenous clients, such as craft workshops, meals with traditional foods, sharing circles, access to a sweat lodge and spiritual support provided by Elders.

CALL FOR ACTION No. 69 – To Indigenous authorities
Identify, for each Indigenous people, Elders interested in intervening in correctional environments and register them in a shared bank of resources that the correctional authorities can consult.

CALL FOR ACTION No. 70
Establish guidelines for the security verification of Indigenous sacred objects, in collaboration with Indigenous authorities.

CALL FOR ACTION No. 71
Train correctional officers to recognize Indigenous sacred objects, in collaboration with Indigenous authorities.

CALL FOR ACTION No. 72
Ensure availability in urban environments of places reserved for Indigenous clients in existing residential community centres or, if necessary, conclude an agreement with an Indigenous organization to create this type of resource.

CALL FOR ACTION No. 73
Modify the *Act respecting the Québec correctional system* to include different processes and evaluation criteria for Indigenous offenders who address the Commission québécoise des libérations conditionnelles.

Health and social services

CALL FOR ACTION No. 74
Amend the *Act respecting health services and social services for Cree Native persons* to enshrine the Act respecting health services and social services and concept of cultural safeguards in it, in cooperation with Indigenous authorities.

CALL FOR ACTION No. 75
Encourage the health and social services network institutions to set up services and programs based on cultural safeguard principles developed for Indigenous peoples and in cooperation with them.

CALL FOR ACTION No. 76
Provide sustainable funding for services and programs based on cultural safeguard principles developed for Indigenous peoples.

CALL FOR ACTION No. 77
Take the necessary measures to make emergency medical transportation services by land or by air, depending on the circumstances, available as soon as possible and on an ongoing basis in all communities, despite constraints, in cooperation with Indigenous authorities.

CALL FOR ACTION No. 78
Encourage the signing of agreements between public health and social services institutions and Indigenous authorities to guarantee spaces and a culturally safe service for aging Indigenous persons and their families.

CALL FOR ACTION No. 79
Financially support the establishment of long-term care services in communities covered by an agreement.

CALL FOR ACTION No. 80
Initiate tripartite negotiations with the federal government and Indigenous authorities to develop long-term care services in communities not covered by an agreement.

CALL FOR ACTION No. 81
Make the development of culturally appropriate spaces for Indigenous nations a priority in public health institutions, particularly in regions where there is a substantial Indigenous population.

CALL FOR ACTION No. 82
Initiate tripartite negotiations with the federal government and Indigenous authorities to establish a formal funding mechanism for returning to the communities at the end of life and for the development of palliative care in the communities.

CALL FOR ACTION No. 83
Develop priority diagnostic service corridors for Indigenous clients of all ages through tripartite negotiations with the federal government and Indigenous authorities.

CALL FOR ACTION No. 84
Financially support the development of culturally safe, family-centred respite services in communities covered by an agreement and in urban areas.

CALL FOR ACTION No. 85
Initiate tripartite negotiations with the federal government and Indigenous authorities to develop culturally safe, family-centred respite services in communities not covered by an agreement.

CALL FOR ACTION No. 86
Initiate tripartite negotiations with the federal government and Indigenous authorities to sustainably fund projects created by Indigenous nations, communities and organizations that seek to identify, reduce, prevent and eliminate sexual assault.

CALL FOR ACTION No. 87 – To Indigenous authorities
Raise awareness among the populations of indigenous communities about the nature of sexual assault and promote healthy and respectful sexuality education.

CALL FOR ACTION No. 88
Fund the development of a network of Indigenous women's shelters in communities covered by an agreement and in urban centres, working with Indigenous authorities.

CALL FOR ACTION No. 89
Initiate tripartite negotiations with the federal government and Indigenous authorities to develop Indigenous women's shelters in communities not covered by an agreement.

CALL FOR ACTION No. 90
Financially support the establishment of culturally safe addiction treatment centres and detoxification centres in urban areas and in communities covered by an agreement.

CALL FOR ACTION No. 91
Initiate tripartite negotiations with the federal government and Indigenous authorities to increase services for addiction prevention and treatment in Indigenous communities not covered by an agreement.

CALL FOR ACTION No. 92
Working with the federal government and Indigenous authorities, draw up less stringent admission rules at addiction treatment centres for off-reserve First Nations members and Inuit.

CALL FOR ACTION No. 93
Financially support the development of services for suicide prevention and mental health in communities covered by an agreement and in urban centres, in cooperation with Indigenous authorities.

CALL FOR ACTION No. 94
Draw up a protocol for crisis management in communities covered by an agreement that involves both the public health network and the participation of appropriate Indigenous authorities.

CALL FOR ACTION No. 95
Initiate tripartite negotiations with the federal government and Indigenous authorities to increase services for suicide prevention and mental health in Indigenous communities not covered by an agreement.

CALL FOR ACTION No. 96
Encourage institutions in the health and social services network to set up services inspired by the Clinique Minowé model in urban settings, working with the Indigenous authorities and organizations in their territory.

CALL FOR ACTION No. 97
Provide recurrent, sustainable funding for services that draw on the Clinique Minowé model and are developed in urban settings for Indigenous peoples.

CALL FOR ACTION No. 98
Issue a directive to urban health and social service institutions to establish clear service corridors and communication protocols with Indigenous authorities in the communities.

CALL FOR ACTION No. 99
Provide sustainable funding for services to homeless Indigenous clienteles in urban areas.

CALL FOR ACTION No. 100
Fund the creation of a shelter specifically reserved for homeless Inuit clientele in Montréal.

CALL FOR ACTION No. 101
Initiate discussions with the federal government to dovetail the provincial prescription drug insurance plan with the Non-Insured Health Benefits program in order to offer the most comprehensive, equitable coverage for members of Indigenous communities.

CALL FOR ACTION No. 102
Encourage the professional orders involved (doctors and pharmacists) to give their members training about the federal Non-Insured Health Benefits program.

CALL FOR ACTION No. 103
Initiate a strategic planning session on non-urgent medical transportation that includes the federal government, health and social services network institutions and Indigenous authorities.

CALL FOR ACTION No. 104
Initiate discussions with the federal government to extend the Jordan Principle to adults.

CALL FOR ACTION No. 105
Working with the federal government, develop an overall approach for applying the Jordan Principle, coupled with budget forecasts for all First Nations and Inuit.

CALL FOR ACTION No. 106
Rapidly implement the recommendations of the Comité sur l'application du PL-21 in First Nations communities and Inuit villages.

CALL FOR ACTION No. 107
Follow up as quickly as possible on proposals to improve working conditions from the Nunavik Regional Board of Health and Social Services.

Youth protection services

CALL FOR ACTION No. 108
Amend the *Youth Protection Act* to exempt Indigenous children from the application of maximum periods for alternative living environments as stipulated in sections 53.0.1 and 91.1.

CALL FOR ACTION No. 109
Amend the *Youth Protection Act* to include a provision on care that is consistent with Indigenous traditions, drawing on Ontario's *Child, Youth and Family Services Act, 2017*.

CALL FOR ACTION No. 110
Enshrine in the *Youth Protection Act* a requirement that a family council be set up as soon as an Indigenous child is involved in a youth protection intervention, whether or not the child is at risk of being placed.

CALL FOR ACTION No. 111
Provide professionals working in Indigenous communities with access to provincial information management systems (such as the PIJ).

CALL FOR ACTION No. 112
Share the new directives and standards that apply in youth protection with all professionals responsible for such cases in Indigenous communities in real time.

CALL FOR ACTION No. 113
Make youth protection evaluations and decisions in a way that takes the historical, social and cultural factors related to First Nations and Inuit into account.

CALL FOR ACTION No. 114
Provide judges presiding in the Court of Québec, Youth Division, with reports similar to the Gladue reports used in the criminal justice system for cases involving Indigenous children.

CALL FOR ACTION No. 115
Validate the evaluation tools used in youth protection with Indigenous clinical experts.

CALL FOR ACTION No. 116
Overhaul the clinical evaluation tools used in youth protection whose effects are deemed to be discriminatory toward Indigenous peoples, in cooperation with experts from the First Nations and Inuit peoples.

CALL FOR ACTION No. 117
Amend the *Act respecting health services and social services* to include a provision requiring workers to record objectives and methods for preserving cultural identity in the intervention plans and individualized service plans of all children who identify as First Nation or Inuit and are placed outside their family environments.

CALL FOR ACTION No. 118
Fund the development of intensive support services in urban environments and Indigenous communities covered by an agreement for parents of Indigenous children who have been placed in foster care.

CALL FOR ACTION No. 119
Initiate tripartite negotiations with the federal government and Indigenous authorities to finance the development of intensive support services in communities not covered by an agreement for parents of Indigenous children who have been placed in care.

CALL FOR ACTION No. 120
Working with Indigenous authorities, draw up a placement policy specific to members of First Nations and Inuit that provides that Indigenous children be first placed with their immediate or extended families and, if that is not possible, with members of their communities or nations.

CALL FOR ACTION No. 121
Make sure that a cultural intervention plan is produced and implemented whenever an Indigenous child must be placed in a non-Indigenous alternative environment.

CALL FOR ACTION No. 122
Assign additional resources to remote Indigenous communities where access to lawyers is limited.

CALL FOR ACTION No. 123
Provide financial support for hiring courtworkers and promote the use of paralegal services to support and accompany parents and children who are subject to the *Youth Protection Act.*

CALL FOR ACTION No. 124
Initiate tripartite negotiations with the federal government and Indigenous authorities, as applicable, to agree on a budget to provide for Indigenous parents or guardians to attend hearings at the Court of Québec, Youth Division (transportation, meals and lodging costs).

CALL FOR ACTION No. 125
Recognize and financially support cultural healing approaches when proposed by families subject to the *Youth Protection Act.*

CALL FOR ACTION No. 126
Working with Indigenous authorities, make an annual calculation of the number of Indigenous children subject to the *Youth Protection Act* and obtain any other data deemed relevant under the Act in order to accurately assess the presence of Indigenous children in the system and how they are treated.

CALL FOR ACTION No. 127
Increase availability and funding for local services intended for Indigenous children and their families, including crisis management services, in communities covered by an agreement and in urban environments.

CALL FOR ACTION No. 128
Initiate tripartite negotiations with the federal government and Indigenous authorities to increase the availability of local services intended for Indigenous children and their families, including crisis management services, in communities not covered by an agreement.

CALL FOR ACTION No. 129
Clarify and change the eligibility criteria for Indigenous foster families, including the criteria for the physical environment and the follow-up done with foster families, so that those families can access the services they need to provide the best possible environment for the children.

CALL FOR ACTION No. 130
Ensure that families and significant people who are not represented by an association and who foster Indigenous children receive financial compensation equivalent to family-type resources under the *Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreement.*

CALL FOR ACTION No. 131
Invest to increase the number of available spaces where needed at youth rehabilitation centres in Indigenous communities covered by an agreement.

CALL FOR ACTION No. 132
Initiate tripartite negotiations with the federal government and Indigenous authorities to increase the number of available spaces where needed at youth rehabilitation centres in Indigenous communities not covered by an agreement.

CALL FOR ACTION No. 133
Increase the level of and funding for post-placement services for indigenous children in communities covered by an agreement and in urban centres.

CALL FOR ACTION No. 134
Initiate tripartite negotiations with the federal government and Indigenous authorities to increase the level of and funding for post-placement services in Indigenous communities not covered by an agreement.

CALL FOR ACTION No. 135
Provide communities that want to update their agreements or to take over youth protection services under s. 37.7 of the *Youth Protection Act* with financial support and immediate and unrestricted guidance.

CALL FOR ACTION No. 136
Encourage the conclusion of agreements under s. 37.5 of the *Youth Protection Act* by relaxing criteria and simplifying the process that leads to the conclusion of such agreements.

CALL FOR ACTION No. 137
Provide communities that want to take over youth protection services under s. 37.5 of the *Youth Protection Act* with financial support and immediate and unrestricted guidance.

Tracking mechanism

CALL FOR ACTION No. 138
Give the Québec Ombudsman the mandate to assess and follow up on the implementation of all the calls for action proposed in this report until such time as they have been fully executed.

CALL FOR ACTION No. 139 – To National Assembly
Ensure that the budget granted to the Québec Ombudsman is adjusted to take into account the new responsibilities that it has been given.

CALL FOR ACTION No. 140
Include in the *Public Protector Act* the obligation for the Québec Ombudsman to produce and make public each year a progress report on the implementation of the Commission's calls for action until such time as they are fully executed.

CALL FOR ACTION No. 141
In cooperation with the representatives of the Indigenous peoples of Québec, translate this Commission's summary report as soon as possible into all Indigenous languages used in written form in Québec and distribute it.

CALL FOR ACTION No. 142
Ensure that the content of this Commission's summary report is distributed as soon as possible by means of alternative oral distribution methods identified by the Indigenous authorities themselves based on their peoples' needs and realities.


Québec