

SPEECH / PRESS CONFERENCE / JACQUES VIENS

Kwé, Good morning, Bonjour.

Mino Pijak, Welcome to Pavillon des Premiers Peuples of UQAT, in Val-d'Or, Anishnabek territory.

Thank you for your presence. I am pleased to address you today to present the report on the findings of the work carried out as part of the Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Québec, which I had the privilege and honour of chairing.

It is an even greater pleasure to do so, here, in Val-d'Or, where everything began -- where women, whose courage must be recognized, chose one day to speak out to bring their experiences to the attention of all of Quebec.

On some days, when energies strained under the heavy schedules required by a commission's work, I was carried by the need to live up to their courage. I would like to express my most sincere thanks to all of these women. Migwech.

While the "Val-d'Or events" were the catalyst, I was required by the mandate entrusted to me by the Government of Quebec on December 21, 2016 to focus on all of Quebec.

Concretely, the decree ordered that I investigate and carry out all necessary analyses to provide concrete, effective and sustainable recommendations to prevent or eliminate, regardless of origin and cause, all forms of violence, discriminatory practices and differential treatment imposed on Indigenous peoples in the delivery of public services.

Five public services were included in the survey: police, justice, corrections, health and social services, and youth protection services. The decree also specified that the investigation should cover the past 15 years./

To this end, and in accordance with the government's desire to promote listening, I felt it was necessary to focus on the testimonies of both Indigenous people and public service workers. The chosen approach was designed to be inclusive in order to allow the individuals, the men and women affected by the subjects of the inquiry, to speak at the public hearings.

Furthermore, there are 55 Indigenous communities, villages or settlements across Quebec, from south to north, and east to west. There are 10 First Nations with more than 40 communities or settlements and 14 Inuit villages in northern Nunavik. However, we must not assume that they are all the same, as while there are some similarities, there are also different realities, in terms of culture, language, geographical location, etc.

As you can appreciate, the scope of this work required building a competent, dedicated and determined team. Thanks to this team of approximately 90 people working together, it was possible to be invited and to visit the territories of all First Nations and almost all communities during the mandate, as well as the 14 Inuit villages of Nunavik, and the Urban Native Friendship Centres, in addition to meeting with public service representatives. Our teams conducted over 255 presentations after meeting people all over Quebec to offer them the opportunity to express themselves.

I could talk at length about my respect and admiration for all the people who agreed to join the team, and the work they carried out throughout the Commission's mandate. I see many of these people in the room, and I would like to extend my gratitude and thanks to them. We were like a family, and I must admit that, though we knew from the beginning there would be an end, when each of us left at the term of our mandate, we felt like we were losing a family member.

When the work concluded, 765 witnesses had been heard, and more than 423 others had shared their stories through written statements filed as evidence. More than 1,000

people were thus able to express themselves during the survey. I would like to thank each of them for their generosity, but also, and above all, for believing in the process and for trusting us.

The accounts heard are based on experiences in urban areas, First Nations communities and Nunavik. Out of 93 cases investigated by the Service de police de la Ville de Montréal at the government's request, 15 were presented in detail at the hearings. In my opinion, they are a representative sample of reality and, above all, they respect the willingness to testify or not of the persons concerned. The choice of whether or not to revisit certain events, including the Val-d'Or events, was left to their sole discretion.

Guided by the concepts of listening and reconciliation at the heart of my mandate, I have also ensured that all witnesses, Indigenous or non-Indigenous, be given as much latitude as possible to express their reality. For this reason, I chose to let the witnesses relate the facts as they had experienced or perceived them, beyond the usual rules of questioning and cross-examination. This decision was self-evident due to the particularly sensitive nature of events that led to the creation of the Commission, and to their highly emotional character and the very real risk of re-victimizing the people affected by the events.

Moreover, within the limits of my mandate, I have in no way sought to replace the work of a court of law or that of any other regulatory body. My objective has rather been to draw factual conclusions and then to formulate opinions and propose calls for action that could prevent similar events from recurring.

Let us now turn to the findings.

After 38 weeks of hearings in Val-d'Or, Montreal, Quebec, Uashat mak Mani-Utenam, Mistissini, Kuujjuarapik and Kuujjuaq, and some 1,300 documents filed in evidence, it

seems impossible to deny the systemic discrimination experienced by First Nations and Inuit peoples in their relations with the public services investigated.

By systemic discrimination, I refer to the courts definition, that is, both the direct and indirect discrimination that is widespread and even institutionalized in current policies, practices and cultures -- discrimination that can hinder an individual's progress throughout his or her life, and even negatively impact several generations.

While the problems are not always systemic, the Commission's work has made one thing evident: existing structures and processes show a clear lack of sensitivity to the social, geographical and cultural realities of Indigenous peoples.

Result: Despite some adaptation efforts and a demonstrated commitment to equal opportunity, many existing laws, policies, standards or institutional practices are so discriminatory and inequitable that they seriously affect the quality of services provided to the First Nations and Inuit.

In some cases, this lack of sensitivity even results in a pure and simple lack of service, leaving entire populations to their own devices, without a means to act in order to remedy the situation.

More than their rights, thousands of people are being robbed of their dignity because they are kept in deplorable living conditions, at the margins of their own cultural referents. In a developed society like ours, this is simply unacceptable.

For the causes behind this finding, we must take a step back to understand how we collectively arrived at this situation.

The first part of the answer lies in history. Indeed, we need only look at Chapter 3 of the report on the main events that marked relations between Indigenous peoples and public

services to realize the devastating effects of colonialist policies put forward by successive governments, both at federal and provincial levels, over the last 150 years.

The losses suffered by the First Nations and Inuit have left indelible scars, in terms of land, with the creation of reserves and sedentarization, and in terms of culture, with forced education and evangelization in residential schools.

Moreover, it is impossible to ignore the known and documented attacks on the identity and social, economic and political organization of these peoples, as described in detail by several of the witnesses heard.

The conclusion is unequivocal. These unequal relationships have deprived Indigenous peoples of the means to take charge of their own destiny, and have fostered a distrust of public services. The distrust expressed is all the more acute as some of the events in question are very recent. Such is the case, for example, with the residential schools, the last of which closed in 1991 in Quebec, or the massive slaughter of sled dogs in the 1950s and 1960s in Nunavik, which many Inuit who are still alive witnessed and suffered from.

In addition, colonialist policies have laid the groundwork for the establishment of systems and organizations dominated by a desire for standardization that has very little to do with Indigenous knowledge and traditions. In fact, this approach to developing and managing the supply of services to the populations has not only contributed to distancing from the First Nations and Inuit, but it has also led to a social and political disavowal of their age-old practices and knowledge.

Like many of the participants that were heard during the Commission's work, citizens, experts or others, I believe that this insensitivity is rooted in the public's widespread lack of knowledge about Indigenous peoples. In my opinion, this second part of the answer is one of the most important issues in understanding the origin of systemic discrimination in public services.

Worse than ignorance, lack of knowledge brings its share of prejudices and stereotypes; stereotypes that have contributed to shaping the relationships between Indigenous peoples and public services.

Disorganized, unable to take care of their families and children, lacking knowledge, violent, dependent, careless about their health and property, privileged because they are exempt from paying taxes... Let's face it, the list of prejudices against the First Nations and Inuit, that we unfortunately still hear sometimes, extends over a wide spectrum, from inferiority to privileged status. Many of the Indigenous witnesses who shared their personal stories in court reported having experienced prejudice. These impressions reflect the wall of mutual misunderstanding that now separates Indigenous peoples from the main public service providers in Quebec.

However, to be able to provide a safe context for a person that is vulnerable or in need of care, it is essential to know how to decode their attitude and behaviour. Due to the current lack of knowledge about the First Nations and Inuit, this is a difficult goal to achieve.

Indeed, it should be noted that, even today, despite their good will, many social workers, doctors, nurses, police officers, prosecutors and others working in public services rarely have access to the tools and resources necessary to change their approach. A vast majority of participants noted the lack of training in this area as a major gap in providing culturally safe services.

However, I refuse to exclusively blame employers. Knowledge of the other, of differences and cultures, is everyone's business, and can be developed through different sources and initiatives.

In my view, the media has an important role to play here and here we find the third part of the answer. More than a role, it is their responsibility: to adequately inform the public about the diverse realities of Indigenous peoples, their history, cultures and initiatives.

In fact, for a large majority of Quebecers, the media, written or electronic, is the main source of information on Indigenous peoples. However, while things may be improving, crises aside, Indigenous realities remain very poorly represented in the media.

The difficulty, according to many experts, is that journalists receive the same education as the rest of the population, and many therefore struggle with a lack of knowledge about Indigenous peoples. As a result, between errors made in good faith and the polarizing comments of some hosts, columnists and editorial writers, the limited information published about the First Nations and Inuit, with the exception of some specialized media, often fuels public opinion against them. The impact is even greater, as governments develop and design their policies and public services based on public opinion.

In fact, like it or not, given the wide range of needs and government actions consistent with a population like Quebec's, prioritization most often depends on the ability to be heard.

This observation brings me to a fourth and final element that I believe may explain the systemic discrimination experienced by Indigenous peoples in public services, namely the lack of sustainable and appropriate government action in response to the needs expressed by the First Nations and Inuit.

From the outset of the work in January 2017, we noted that a wide range of discussions had already taken place on issues related to Indigenous peoples in Quebec and Canada. Whether through commissions of inquiry, parliamentary committees, socio-economic forums or targeted working groups, the services investigated have all, at one time or another, been the subject of discussions between public service representatives or elected officials and Indigenous authorities. In each case, a plethora of recommendations and courses of action were identified to address the issues.

However, despite all the solutions identified and the action plans adopted, noticeable changes on the ground remain small or non-existent. As proof, many previously identified issues were once again raised in the course of the Commission's work.

In my opinion, the real problem is that most of the solutions proposed are pilot projects or programs whose maintenance depends, year after year, on available funds. In this context, it is difficult to build for the long term, to effect real change, much less to feel a positive impact.

The sluggish implementation of some very interesting measures is also hindering reconciliation and the progress of relations. I recall notably the sixteen years it took the Atikamekw nehirowisiw nation to reach an agreement with the Government of Quebec on implementing a special youth protection system, although it is provided for in the Youth Protection Act.

When asked about current and future measures to improve the situation, the public service representatives heard in court mentioned many obstacles to change, including, among others, limited financial and human resources, and the need to respect the division of powers imposed by the Canadian constitutional framework.

In my view, none of these arguments justify the inadequacy of actions taken by successive governments to meet the needs expressed by Indigenous peoples.

When resources are limited and constraints are numerous, the solution invariably requires prioritization. However, it should be recognized that, aside from a few crises, the quality of services offered to Indigenous peoples has never really been a priority. Worse still, the existing structures, built on a narrow vision of equality, have prevented the First Nations and Inuit themselves from acting to adequately meet their populations' needs. In my view, this serious mistake must be urgently addressed by putting an end to the status quo and promoting a new balance of power.

The Commission's work has identified 142 measures to this end. One in six are based on findings common to all of the services surveyed. The main goal of these measures is to restore trust with Indigenous peoples and to ensure that their needs are effectively met. These measures are part of a quest for social justice, to allow everyone to benefit from real equal opportunity, which is, for me, the starting point of profound change. However, we should not think that there is nothing else to undertake to improve the relations between Indigenous people and the public services concerned by the inquiry. In fact, it is only the beginning and expressing the wish to do better, together.

While it would be impossible today to give as detailed a presentation as contained in the report itself, I would like to draw your attention to a few of these measures.

Firstly, as you may note from the report, I consider that it is impossible to establish new bases for collaboration without first acknowledging the mistakes of the past. I therefore recommend that the government make amends and apologize to the Indigenous peoples of Quebec for the damages caused to them, for too long, by laws, policies, standards or practices of public services.

However necessary, this apology does not preclude the need for concrete action. The first of these actions, from my point of view and that of many others, is the recognition of cultural differences and existing knowledge. In this regard, I recommend that the National Assembly of Quebec adopt a motion to recognize and implement the United Nations Declaration on the Rights of Indigenous Peoples. I also suggest that we proceed with the adoption of legislation to ensure that the provisions of this Declaration are taken into account in the body of legislation under Quebec's jurisdiction.

For the new ability to act conferred on Indigenous peoples to take full effect, the various stakeholders involved must have a fair view of reality. At present, however, outlining the main socio-demographic, geopolitical, psychosocial and other indicators related to the First Nations and Inuit of Quebec is not an easy task. In their quest for information, the Commission's team was not only regularly faced with a lack of data, but the available

data proved to be fragmented and significantly limited. Therefore, an entire section of my calls to action supports the need to establish a clear picture of the situation in collaboration with Indigenous authorities.

However, despite the current weak data on Indigenous peoples, there is no question as to the gravity of certain issues. One such issue is housing. From the outset of the Commission's work, the housing crisis among Indigenous peoples emerged as the epicentre of many of the problems faced by the First Nations and Inuit. The lack of housing and their advanced state of disrepair generates a host of psychosocial problems under the purview of the public services investigated by the Commission. I felt it essential, therefore, to propose some calls for action on this issue.

As a result of the housing shortage and subsequent difficult living conditions, access to services is at the top of the list of issues highlighted by the Commission's work. Setting aside geographical factors, the first problem highlighted by the Commission is the fact that, very often, it is impossible for First Nations and Inuit peoples to have access to services in Indigenous languages or in English, when it comes to their language of use or second language. This limits individuals' ability to communicate their perspective and to understand the information provided to them about the instructions or conditions imposed on them, or the resulting processes. Several of the witnesses heard before the Commission supported this finding, particularly in the area of youth protection and judicial process. In my view, we cannot claim, on the one hand, to recognize the right of Indigenous peoples to maintain and develop their language as indicated in the preamble to the *Charte de la langue française*, while, on the other, neglecting to offer services to support their relations with public services where the French language predominates. Consequently, a number of my calls to action aim to break down language barriers faced by the Indigenous peoples of Quebec.

Moreover, even if language access is improved, public services are still built around operational structures and logics that have little to do with the cultural references of First

Nations and Inuit peoples. In this context, it can be challenging to know where to turn when a need arises, or when interaction with public services is necessary.

In some public organizations, to facilitate the communication and orientation of people of Indigenous origin within public services, liaison officer positions were created to establish direct contact with clients in certain hospitals and police services, among others. These efforts are commendable, and there is no doubt that their presence makes a real difference in providing differentiated services for Indigenous populations. However, liaison officers employed by a public service will always remain associated with their organization. Their lack of proximity to communities, or even to the culture of the different nations, with the obvious exception of Indigenous liaison officers, will always remain an issue. I therefore recommend that the government, while maintaining existing liaison officer positions in the various public services, create liaison officer positions in Indigenous communities and villages, as well as in urban Indigenous organizations. These individuals, selected and hired by the band council, tribal council or Indigenous organization leaders, would be responsible for informing First Nations and Inuit peoples about existing resources or services. They could also raise awareness about the rights and remedies available to them, and even support them in their process.

Finally, it was impossible for me to ignore the need to increase citizen knowledge about Indigenous realities. A series of calls for action have therefore been made to train current and future citizens, as well as managers, professionals and public service workers.

Beyond these generic calls for action, specific recommendations have also been put forward for each of the public services. Again, it is impossible for me today to present them to you in detail. However, I would like to draw your attention to some calls for action for each of the public services investigated.

At chapter 7 of the report, concerning police services, I recommend to amend section 90 of the Police Act to grant Indigenous police forces a similar status to other police organizations in Quebec, and to modify the resulting financial resource allocation process to take into account the real needs identified by Indigenous authorities, particularly for infrastructure and human resources.

At chapter 8 related to justice services. A recommendation consists in concluding agreements on the creation of specific administration of justice systems with Indigenous nations, Indigenous communities, Inuit villages or organizations operating in urban areas. Inspired by specific youth protection systems established in Indigenous communities since 2001, these agreements would provide for the automatic referral of infringement cases involving Indigenous offenders from the Director of Criminal and Penal Prosecutions to authorized urban Indigenous communities, villages or settlements. They would also include mechanisms for referral to other communities or to the state system at the request of the victim or in specific circumstances, for example, in cases of conflicts of interest, lack of resources, or when the community, village or settlement considers that it is not equipped to handle the case.

While at first glance it may seem bold, this approach not only promotes Indigenous autonomy and governance in a crucial area, but also has tremendous potential to alleviate an overburdened system that is unable to meet demand. The aim here is not to set up a parallel system, but rather to add a contributing mechanism to improve the existing system for Indigenous peoples.

At chapter 9, concerning correctional services, I recommend the implementation as quickly as possible, and in all regions of Quebec, of alternative measures to incarceration for people sentenced to an intermittent sentence, including sustainable funding and to develop an assessment tool specific to Indigenous offenders to establish the most accurate possible picture of their realities and to promote their reintegration into society.

As for health and social services, at chapter 10 emphasis was placed on the need to increase Indigenous people's access to services, which is sorely lacking both in Indigenous communities and villages and in urban areas and to set up services and programs based on cultural safeguard principles developed for Indigenous people and in cooperation with them.

Finally, in the area of youth protection, many voices we heard point to the same conclusions : the current youth protection system has been imposed on Indigenous people 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 families.

I invite the government to promote and support the conclusion of agreements with Indigenous nations and communities to establish specific youth protection regimes, as is already the case in two Atikamekw communities.

As per the government decree that created the Commission, all of these calls for action propose concrete, effective and sustainable solutions. I also wanted the proposed actions to be realistic and to take into account the political, economic and social environment in which they will have to be implemented. This challenge is no less important.

The proposed changes are bold, and require rethinking many ways of doing things. In the past, when the time came to act, the work done by commissions has too often led to major disappointment. The resulting status quo has further eroded the already fragile relationship of trust between Indigenous peoples and public services. All this must stop.

It would therefore be beneficial to closely monitor calls for action. I also felt it was essential that the proposed monitoring mechanism have a real capacity to influence or

even constrain the services in question, and be based on recognized experience, both in the analysis of public policies and programs, and in Indigenous culture and realities.

All of these elements pointed to the idea of relying on an existing entity. My attention naturally turned to the Québec Ombudsman, which already deals with issues closely related to the Commission's mandate. I therefore propose that the government grant the Québec Ombudsman the mandate to evaluate and monitor the implementation of the calls for action proposed in this report, until they are fulfilled.

In conclusion, in addition to the structured actions proposed in the report, I am convinced that, in order to gain reconciliation, we will have to learn to evolve in a free zone, shedding our respective preconceptions and the distrust they so often underly.

On both sides, cynicism will have to be overcome in order to make way for openness and creativity. More importantly, we must have the courage to reinvent ourselves together so that more egalitarian and respectful collaborative spaces can emerge. Respect requires that the government and the leaders and stakeholders of each public service remain responsive to the needs expressed by First Nations and Inuit peoples, of the specific needs of each nation, community or village, and work with Indigenous authorities to improve these services. More simply, we must set aside the colonialist or paternalistic attitude, and instead provide support, where required, to implement choices made by the Indigenous peoples themselves, to trust them, to work with them, to work together...

From the privileged viewpoint that my mandate affords, I witnessed a new desire for affirmation and change on which I believe we can soundly build. In a sense, this report is not an end in itself, but rather an invitation to all Quebecers to become agents of change. After all, beyond structures and many other things, the quality of relations with Indigenous peoples is built daily through both individual and collective relationships established in schools, workplaces, streets and elsewhere. This is the social fabric of a

society, which means that certain actions that were unfortunately tolerated yesterday can no longer be tolerated today.

And when, amidst media events and murmurs, we are given the opportunity to test our new solidarity, I want us to remember the presence of First Nations and Inuit before us on the territory, to remember the wrongs we may have caused them, but also to remember our shared knowledge, and the Quebec that we are building together today. Above all, I wish us the wisdom to maintain this dialogue.

Personally, when I close the books, I will remember above all the fathers, mothers, elders and chiefs who came to tell me about their wish to offer a better life to their children and their communities. I will remember that real progress requires listening and respect, because in truth, beyond outstretched hands, the future is built together, side by side.

Thank you for your attention, Migwech.