

SPEAKING POINTS FOR PRESENTATION TO THE QUEBEC PUBLIC
INQUIRY COMMISSION HEARINGS

GENERAL / OVERVIEW

- Kahnawake's history with Quebec
 - Historical relations (with settler states)
 - Evolving relations over more recent years
- Current relations with Quebec
 - Quebec-Kahnawake Relations
 - Sectoral Agreements (ie: policing, health, labour, etc)
 - Current relations are highly impacted by Quebec's response to municipal relations
- Kahnawake's Approach & Experience
 - Given the terse history with settler states and Canadian/Quebec relations, Kahnawake has always strived to develop our own capacity to serve our own members in all manners possible (including in policing, justice, youth protection, health).

POLICING

- Background of the takeover of policing in Kahnawake
 - Events (70's) that lead to community-directed takeover of policing services in the community
 - 1995 Policing Agreement
 - 1999 Agreement on Police Services between Quebec and Kahnawake (Cooperation Agreement)
- Current situation of policing in Kahnawake
 - High functioning policing service delivery
 - Cooperation Agreements between PK's, SQ and RCMP
 - Recently entered into an Initiative to combat Organized Crime in the territory
- **Problematic Areas**
 - **Funding:** Despite demonstrating excellence in policing services, there is not sufficient long-term/permanent, sustainable funding for the administration and operation of the Kahnawake Peace Keeper's.
 - Provincial and Municipal police forces have sustainable and secure funding commitments that allow them to long-term plan. Kahnawake/First

Nations are not afforded the same opportunity simply because they are First Nations.

- Further, responsibility for funding is split between the Province and the Federal governments, making negotiating renewals complex.

HEALTH & SOCIAL SERVICES

- Overview of Services in Kahnawake
 - Background of the Kateri Memorial Hospital
 - Specialized Care is accessed through external health services (via medical transportation)
 - Social Service supports/services provided through KSCS
- **Problematic Areas**
 - **Language Barriers:** there are limited hospitals/specialized services in the area surrounding Kahnawake that are identified as bilingual facilities. Of the facilities that are officially designated as bilingual, there are often reports of major challenges in receiving treatments in English.
 - Further, some specialized areas of treatment do not have any English services anywhere in the area at all
 - **Presumptions in Treatment**
 - We continually receive reports of individuals who have had treatments and/or treatment plans that are based on the fact that they are Indigenous
 - Example of woman who received TB medication as a part of treatment for a condition that had nothing to do with TB. They simply worked the treatment into her care because she was native.

YOUTH PROTECTION SERVICES

- Overview of the current Youth Protection Agreement (YPA)
 - Negotiating Youth Protection Agreement (for several years) that is supposed to be ready for signature
 - Agreement will establish a Director of Youth Protection (DYP) in Kahnawake, as a delegated authority
 - Agreement is a step toward the larger objective to work toward the jurisdictional take-over of youth protection

- Current Situation
 - The endorsement/signature of the Youth Protection Agreement is being held up by Quebec, who is contesting that they should be responsible for funding the DYP. Quebec claims it is the responsibility of Canada.
- **Problematic Areas**
 - **Systemic Problems**
 - **Language Problems;** there is a lack of English-based services within institutions and group homes in the areas surrounding Kahnawake. This limits the ability to utilize these services for clients and results in non-availability or lesser-availability of care and supports.
 - **Cultural Competence;** when required to utilize external services (ex: group homes) the lack of cultural competence has major effects on the users and their families. As a result, treatment plans and basic services for clients do not consider or take into account the cultural needs of the clients.
 - **Multi-jurisdictional problems:**
 - **The hold up on the Youth Protection Agreement** due to Quebec claiming Canada should pay.
 - This is directly contrary to the principles of Jordan's Principle. As a result of the Province unwilling to sign the agreement, youth protection measures continue to be overseen by a Director of Youth Protection that does not consider unique and cultural needs.

JUSTICE

- Background of Justice in Kahnawake
 - Appointment of Mohawk JP's in Kahnawake (1940's) and establishment of the Kahnawake Court
 - Justices in Kahnawake currently hear Penal Offences, (limited) Criminal Code offences, and most Kahnawake laws
 - In 2004, Canada placed a moratorium on the appointment of Justices
 - This prompted Kahnawake to develop the Kahnawake Justice Act (2015); which includes the continuation of the existing breadth of Justice services (penal offences, limited

criminal offences and Kahnawake laws), and includes a strong element of Alternative Dispute Resolution

- Current Situation
 - Kahnawake has been currently working on establishing a Justice table to negotiate a Justice Agreement between Kahnawake and Canada
- **Problematic Areas**
 - Quebec has not responded quickly to the requests for a table and negotiations of a **Justice Agreement** between Kahnawake and Canada. As the remaining Justices of the Kahnawake Court age, the risks of losing all Justices to retirement quickly approaches.
 - The development of the **Matrimonial Real Property and Interest (MRI/MRP)** legislation by the Federal government has directed that provincial courts are to hear cases related to the split of property in the dissolution/ending of marriages. Quebec has taken the position that it will not hear cases concerning First Nations lands issues.
 - Kahnawake has developed a Family Homes Act in response to the federal legislation. However, without a Justice Agreement between Quebec and Kahnawake, the Justices in the Kahnawake Court cannot hear cases. As a result, individuals in a state of a dissolved marriage that requires a ruling on shared property are left without a course to address it.

In closing:

- Kahnawake has created an insular approach; prioritizing the development of our own services in the community instead of facilitating access to external services.
- We have done this not only as a means of asserting self-determination, but also as a means of ensuring that our community members receive care that is good, safe, reliable, and culturally competent.
- In developing our own services internally and then focusing our efforts on establishing cooperation agreements with Quebec, our community members have access to much more relevant and comprehensive services.