

Why create a Public Inquiry Commission ?



Following events that have revealed, for instance, the possibility of discriminatory practices toward Indigenous people in the delivery of public services in Québec, and beyond specific facts concerning individual cases, the Government and Québec Indigenous officials have agreed that there was a need to shed a global light on the systemic issues inherent to the relationship between Indigenous people and providers of certain public services in Québec.

That is why, on December 21, 2016, the Québec Government created the Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Québec : listening, reconciliation and progress.

Six (6) Public Services are covered by the Public Inquiry Commission :

- Police services
- Correctional services
- Justice services
- Health services
- Social services
- Youth protection services

Mandate :

To investigate, collect facts and conduct analyses in order to issue recommendations concerning corrective, concrete, efficient and sustainable measures to be implemented by the Government of Québec and by the Indigenous officials in order to prevent or eliminate all form of violence and discriminatory practices, differential treatment in the delivery of public services to Québec's Indigenous people.

Why should you participate to the Public Inquiry Commission ?

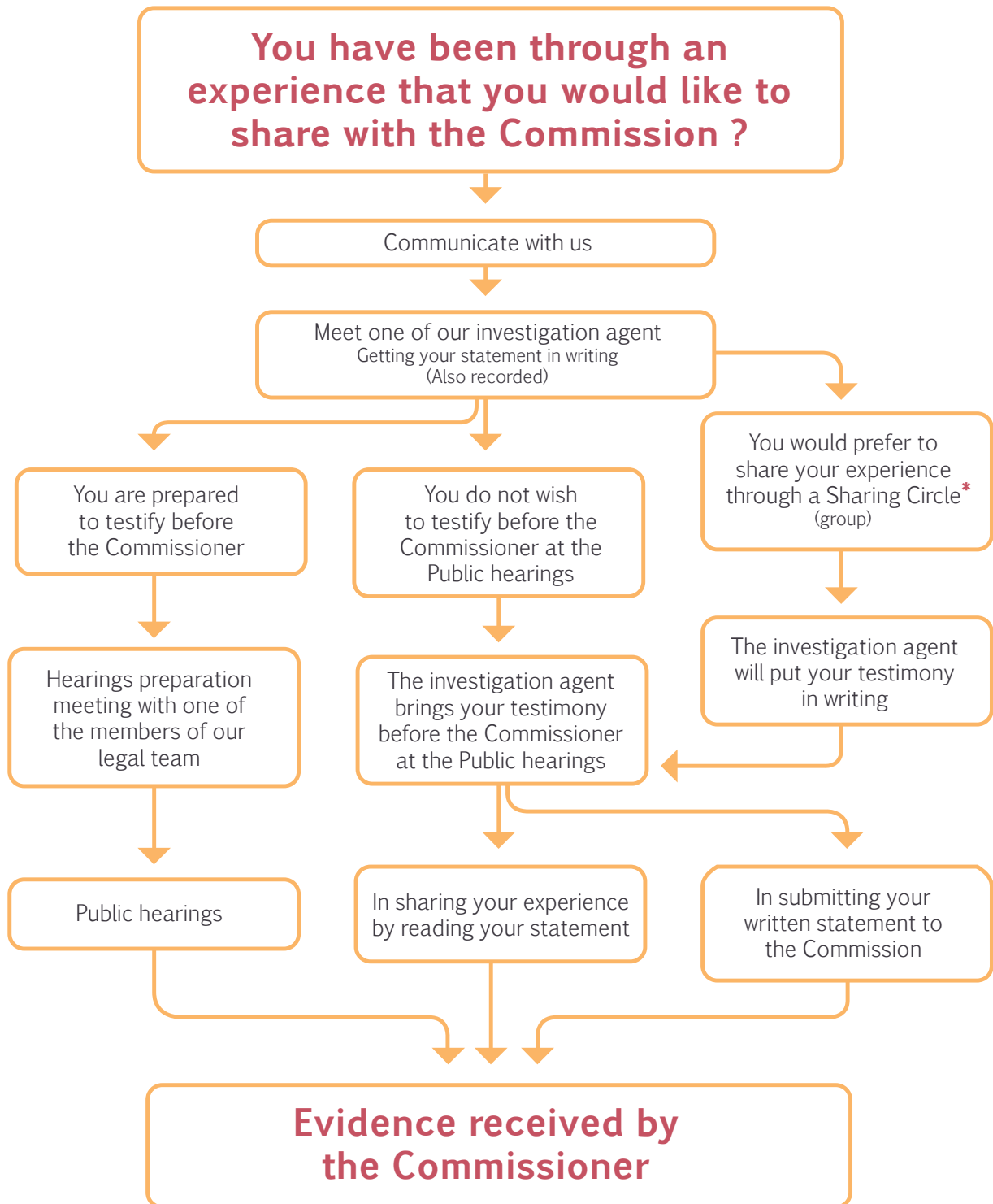


- **Because this is your Inquiry** : The Inquiry Commission was established after leaders and Indigenous communities exerted pressure and called for a study on the systemic issues inherent to the relationship between Indigenous people and Québec public services. In order to concretely identify the problems you are experiencing and to find solutions, your involvement is crucial.
- **Because you know of the difficulties** present in your community and/or organization and that you can suggest improvements or changes.
- **Because you have experienced an event** related to the six (6) public services investigated by the Commission and you can testify about it.
- **Because you are best-placed** to raise public awareness on the issues and realities concerning your community and/or organization.
- **Because you are able to present good practices or inspiring models** that were developed and recognized in your community and/or organization.
- **Because you can contribute to the change, the progress and the reconciliation** by sharing your story, your experiences or by encouraging someone to do so.

“The success of the Public Inquiry Commission on relations between Indigenous Peoples and certain public services and the relevance of the recommendations to be issued in the final report depend largely on the quantity and quality of the information that will have been received at public hearings”

— Commissioner Jacques Viens

How can you participate to the Québec Public Inquiry ?



* The Sharing Circle (also called Talking Circle) can be allowed to receive personal stories when a request is issued from a specific milieu. *Ex : A group of hemodialysis Indigenous patients.*
A Sharing Circle is not a public hearing.

A Few Definitions



Discrimination

Discrimination occurs when an individual or a group of individuals is treated differently on account of personal characteristics. Discrimination creates inequalities between individuals and prevents the individuals subjected to discrimination from fully exercising their rights.*

*Source : Adapted from the Commission des droits de la personne et des droits de la jeunesse, 2017

Racism

Ideology based on the belief that there exists a hierarchic order between human groups. It refers to racial prejudice, to discriminatory practices and behaviours that lead to racial inequity.*

*Source : Adapted from Larousse on-line, 2017

Systemic Racism

Systemic racism or discrimination involves both decisions and attitudes tainted by prejudice, as well as on organizational models and institutional practices. These practices have harmful effects, whether intended or not, on a person or a group.*

*Source : Adapted from the Commission des droits de la personne et des droits de la jeunesse, 2017

Prejudice

Means “judging before”. A preconceived opinion or judgement of value towards a group or an individual.*

* Source : Adapted from the document Qu'est-ce que le racisme systémique ? - Val-d'Or Native Friendship Centre, 2016

Measures facilitating **the sharing of your story**



- Measures have been planned to help you share your story.

Being accompanied by a significant person

You can be accompanied by a person significant to you for the sharing your story with the Investigation Agent or during the hearings.

Language policy

You can share your story with the Investigation agent or during the hearings, in French, in English, or in one of the 11 Indigenous Nations languages present on Québec territory.

Travel expenses refund

If you must travel to come and share your story during public hearings, measures have been established to refund certain expenses (meals, lodging and transport).

- During the hearings, and depending on the circumstances, the Commissioner has the power to file certain orders to help you share your story :

Non-publication order

This measure aims to prevent your narrative (story) to be published (ex.: in the newspaper).

Closed proceedings order

The public is excluded from the hearing while your story is being told to the Commissioner.

Non-disclosure order

Your identity is not revealed.

Cross-examination rules

Following the sharing of your story at the hearing, the Commissioner can impose a time limit to a counter-interrogatory and, in exceptional situations, forbid it.

Public Inquiry Commission Teams



Example of situations that are consistent with the Commission's mandate



Regardless of the situation, do not hesitate to contact us to tell us your story. If the situation doesn't apply to the Commission's mandate, it will be our pleasure to direct you to the appropriate service.

Common examples shared by all public services

- Physical, psychological, sexual or verbal violence
- Any form of threat coming from a State's representative
- Racist behaviours or comment directed towards you

Police services

- Being arrested by police without reasonable motive (racial or social profiling)
Ex : A robbery was committed in the area and even if there were many witnesses on site, only Indigenous individuals were arrested.
- Complaints made to the police that aren't taken seriously or that are without follow up
Ex : Having been assaulted in a bar, I came out to tell policemen on the street and they didn't seem to take my complaint seriously. They didn't follow up on my complaint.
- Geographical cure
Ex : I was drunk on Main Street, picked up and dropped off at a house that wasn't mine (or at the town's entrance).

Quebec Correctional services

- Limited access to services because of the language you speak
Ex : I am not understood by anyone in my first language as no one here speaks my language.
Ex : I have difficulty communicating with the intervention worker during my therapy because there is no translation service at my disposal.
Ex : I am forbidden to speak my language in prison.
 - Absence of services to which you are entitled
Ex : I do not have access to certain services or programs, because they aren't offered in the North.
 - Parole hearing without an interpreter
Ex : I know that I don't master the English language, but I felt obligated to appear before the judge in English, because there wasn't any translator.
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Justice services

- Limited access to the Crown's attorney for a misinformed victim or witness of a crime wanting to follow up on his/her complaint
Ex : As a victim, I don't have the feeling that I had enough time with the Crown's Attorney before the beginning of the trial.
 - Imposed prison sentence to an Indigenous offender while other measures could have been applied but weren't, due to the lack of community resources.
Ex : I don't have the right to an intermittent sentence where I could go back home during weekends.
 - Limited access to a legal-aid lawyer or to a para-judicial service because of limited resources
Ex : I was told that the lawyer didn't have the time to come and represent me.
 - Not understanding the judiciary process because of language issues
Ex : I had to be the one to find a person to translate my words during the meeting with my lawyer, because I don't speak English well enough and I was very uncomfortable about that. This also jeopardizes my right to confidentiality.
 - Absence of a courthouse nearby or no way of transportation to get to one
Ex : I have to travel a very long distance to go to Court and I have no means of transportation. Consequently, an arrest warrant was issued against me.
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Health and Social services

- Staff that assumes that the Indigenous patient is an alcohol or drug user
Ex : I go to the emergency room for a severe episode of hypoglycaemia and because I am an Indigenous individual, it is assumed that I am intoxicated by alcohol.
Ex : A doctor didn't want to prescribe pain killers to me because he thought that I'd develop a habit.
 - Patients that aren't taken seriously, that are ignored or treated with contempt by staff
Ex : I had to go three times to the emergency room before my problem could be diagnosed. Each time, I felt like my situation was minimized and that I wasn't believed.
Ex : Because of a blatant lack of knowledge, the intervener was prejudiced and this affected the communication between him and I. He even made inappropriate jokes.
Ex : As an emergency nurse, I heard colleagues hold derogatory and racist comments about an Indigenous patient.
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Youth protection services

- Lack of communication when your child was placed in foster care
Ex : I don't fully understand why my situation was reported, the procedures for foster care and my parental rights.
 - Lack of local resources when a report is filed and having to place children outside of the community
Ex : My children were placed long-term in a non-native family, outside of my community, and the children aren't allowed to speak their first language.
Ex : The Youth Protection Department (YPD) did not do everything in its power to keep my children on the community while I know there were families ready to take them in.
Ex : My child met a social worker that speaks English but he doesn't speak nor understand English well.
Ex : I noticed that the YPD workers aren't really equipped to work in with Indigenous people, while in bigger cities, the YPD workers are equipped with guidelines to work with immigrants.
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Limitations on what the Commission can investigate

- The Commission does not conduct a criminal investigation. The Commission does not have the power to re-open a past or current criminal investigation. It cannot lay blame on a person or a group, as this is not part of the Commission's mandate.
- The Commission does not have the power to influence the outcome of a decision from the Youth Protection Department, a criminal or civil case, a probation report, a deontological ethics report or any other kind of similar situation.

Ex : The Commission cannot reverse a decision from the YPD to place your child in foster care

- The Public Education service is not one of the themes being investigated by this inquiry. However, this does not prevent the Commission from issuing recommendations for the training and education of the general population for history, culture and Indigenous realities.
- The Wildlife Protection service is not part of the public services being investigated. However, this does not prevent the Commission of examining the stories related to this public service, as your situation could possibly be handled by justice services.
- The Commission can not investigate a situation or a story that deals with private matters.

Ex : You are victim of racial discrimination while trying to rent an apartment. When you present yourself for the visit, the owner, upon seeing you, states that the apartment is no longer available. Even though this is quite likely a racial discrimination situation, renting an apartment is a private transaction and is not a public service (government of Québec). However, you could file a complaint with the Commission on Human Rights and Children's rights.