

LA COMMISSION D'ENQUÊTE SUR LES
RELATIONS ENTRE LES AUTOCHTONES
ET CERTAINS SERVICES PUBLIC

SOUS LA PRÉSIDENCE DE L'HONORABLE
JACQUES VIENS, COMMISSAIRE

AUDIENCE TENUE AU
88 RUE ALLARD,
VAL-D'OR (QUÉBEC)

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Karine Laperrière s.o., O.C.R.

COMPARUTIONS :

POUR LA COMMISSION :

Me CHRISTIAN LEBLANC

Me MARIE-JOSÉE BARRY-GOSSELIN

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1 **OUVERTURE DE LA SÉANCE**

2 **L'HONORABLE JUGE JACQUES VIENS (LE COMMISSAIRE) :**

3 Alors, bonjour. Maître Leblanc.

4 **Me CHRISTIAN LEBLANC,**

5 **PROCUREUR EN CHEF :**

6 Bonjour, Monsieur le Commissaire.

7 **LE COMMISSAIRE :**

8 Avant de vous laisser la parole, je vais demander à
9 Madame la greffière de vérifier l'identification des
10 procureurs.

11 **LA GREFFIÈRE :**

12 Oui, je demanderais aux parties de s'identifier,
13 ainsi que les organismes que vous représentez, pour
14 les fins d'enregistrement.

15 **Me CHRISTIAN LEBLANC,**

16 **PROCUREUR EN CHEF:**

17 Alors, mon est Christian Leblanc, je suis le
18 procureur en chef de la Commission.

19 **Me DAVID CODERRE,**

20 **ASSOCIATION DES POLICIÈRES ET POLICIERS DU QUÉBEC:**

21 David Coderre pour l'Association des policières et
22 policiers provinciaux du Québec. Bonjour,
23 tout le monde.

24 **Me MARIE-PAULE BOUCHER,**

25 **PROCUREUR GÉNÉRAL DU QUÉBEC:**

1 Maître Marie-Paule Boucher pour le procureur général
2 du Québec.

3 **LE COMMISSAIRE :**

4 Alors, bienvenue -- ah, et...?

5 **Me MAXIME LAGANIÈRE**

6 **DIRECTION DES POURSUITES CRIMINELLES ET PÉNALES :**

7 Oui, Maxime Laganière, de la Direction des
8 poursuites criminelles et pénales.

9 **LE COMMISSAIRE :**

10 Excusez-moi, Maître Laganière, je vous ai oublié.

11 Alors, bienvenue à vous tous.

12 Et, Maître Leblanc, quel est le programme de la
13 journée?

14 **Me CHRISTIAN LEBLANC :**

15 Alors, Monsieur le Commissaire, nous allons
16 commencer avec le témoignage de madame la Chef Manon
17 Jeannotte de la Communauté micmaque de Gespeg, qui
18 est accompagnée de madame Terri Lynn Morrison, qui
19 est -- je vais le dire en anglais, because she's
20 going to testify in English, she's Director of
21 Natural, Natural Resources for the Micmac Nation.
22 There's a Micmac word to this (inaudible) title --
23 I've been practising it all morning to say it
24 properly, but I'm going to say it in English. And,
25 so, we're going to start with those testimony.

1 Madame Jeannotte, Chef Jeannotte, vous allez
2 témoigner en français?

3 **CHEF MANON JEANNOTTE:**

4 Oui.

5 **Me CHRISTIAN LEBLANC:**

6 Et elle va nous présenter, donc, la Communauté de
7 Gespeg, et madame Morrison is going to talk to us
8 about, more about the Nation, a bit more widely
9 about the Micmac Nation.

10 After that, après une pause, je serai remplacé par
11 ma consœur, Maître Marie-Josée Barry-Gosselin, qui
12 fera entendre monsieur Donald Nicholls du Service
13 Justice et -- Justice et Services correctionnels du
14 gouvernement de la Nation Cri. Donc, après la
15 pause, en fin d'avant-midi.

16 Alors, Madame la Greffière, on pourrait peut-être
17 commencer, par l'assermentation des témoins?

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1 MANON JEANNOTTE
2 Chef de la Nation Micmaque de Gespeg
3 ASSERMENTÉE
4
5 TERRI LYNN MORRISON
6 Director of Ango'tmen Nm'tginen (Migmawei Mawiomi-Conseil
7 tribal)
8 ASSERMENTÉE
9
10 -----

11 **Me CHRISTIAN LEBLANC:**

12 Okay. You don't have to take care of your
13 microphone, there's a good technician that's going
14 to take care of that, so, you don't have to be
15 bothered by that.

16 **LE COMMISSAIRE:**

17 Alors, bienvenue, Madame Jeannotte, Chef Jeannotte,
18 and welcome Madame Morrison.

19 **Mme MANON JEANNOTTE:**

20 Merci.

21 **Mme TERRI LYNN MORRISON:**

22 Merci.

23 **Me CHRISTIAN LEBLANC:**

24 Donc, Madame, Madame la Chef Jeannotte, je - vous
25 avez apporté -- vous nous avez apporté un

1 Powerpoint. Je vais vous céder la parole et vous
2 demander, donc, de nous présenter votre communauté.

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1 **CHEF MANON JEANNOTTE :**

2 Parfait, merci.

3 Je vais vous dire bonjour en micmac : welalin.

4 « Bonjour » ou « bon matin ».

5 Alors, je suis ici pour vous présenter la
6 Communauté Micmac de Gespeg, qui est une communauté
7 sans réserve. Vous voyez à l'écran, c'est le
8 seul... Nous avons un bâtiment administratif, c'est
9 à peu près la seule chose que nous avons. On n'a
10 pas de réserve, on n'a pas de territoire et on a,
11 bien entendu, un autre bâtiment qui est notre site
12 d'interprétation. Mais, essentiellement, quand
13 qu'on parle de Gespeg, on parle de notre centre
14 administratif.

15 Alors, la réalité d'une communauté sans
16 réserve, c'est une réalité -- vous allez voir ici,
17 il y a une photo de la ville de Montréal, c'est que
18 la moitié de la communauté de Gespeg est aussi à
19 Montréal et, l'autre moitié, en Gaspésie, à Gaspé,
20 bien entendu.

21 Je vous remercie de nous avoir invités, et je
22 me suis posée la question à savoir, comment je
23 pourrais aborder mon témoignage ce matin, parce que
24 notre réalité, vraiment différente de ce qui arrive
25 sur réserve, et nos relations avec le gouvernement

1 du Québec est aussi très différente. Alors, je l'ai
2 abordé sous la langue de vous présenter la
3 Communauté de Gespeg qui est la réalité de sans
4 réserve.

5 Alors, Gespeg fait partie de l'Assemblée des
6 Chefs du Québec, l'APNQL, mais aussi chevauche --
7 puis c'est la spécificité de les Nations micmaque du
8 Québec -- le territoire des maritimes. Donc, on est
9 sur deux Assemblées de Chefs avec l'APC, l'Atlantic
10 Policy Congress, et, bien entendu, on fait partie du
11 Mi'gmawei Mawiomí, qui est le secrétariat qui
12 représente les trois communautés autochtones, dont
13 madame Morrison fait partie.

14 Je lis pas intégralement ce qui est écrit, elle
15 est déposée en pièce, alors, pour consultation.
16 Alors, Gespeg a été reconnu officiellement en
17 novembre 1973 par le Gouverneur général du Canada,
18 selon l'article 2.1 de la Loi sur les Indiens. On
19 fonctionne, en partie, selon la loi, comme un
20 gouvernement Premières Nations, mais on possède
21 notre propre code électoral et notre code
22 d'appartenance. On est une terre désignée « sans
23 réserve », statut de sans réserve, donc, bien
24 entendu, un revenu autonome avec pratiquement ou peu
25 de contributions financières du gouvernement, autant

1 provincial que fédéral.

2 Notre structure de gouvernance est au fait
3 qu'on est un revenu autonome -- désolée -- donc, on
4 a des activités commerciales telles que : le secteur
5 de la pêche, le secteur de la foresterie et notre
6 secteur touristique. C'est les trois secteurs clés
7 que nous avons présentement à Gespeg, et nous
8 voudrions bien nous développer un peu plus que ça
9 pour avoir plus de revenus autonomes.

10 Là, on a des problèmes d'arrangement dans la
11 présentation, on voit pas tout. Je le sais pas
12 pourquoi. Dans ma présentation à moi, ça fait pas
13 ça, sur mon ordinateur, mais...

14 Dans notre structure de gouvernance, on a aussi
15 les services tels : éducation, santé et activités
16 communautaires, telles que : chasse, pêche, camp de
17 relâche scolaire avec les jeunes, repas de Noël,
18 activités culturelles, et telle que la
19 réintroduction à la danse et fabrication d'objets
20 traditionnels.

21 Comme Gespeg est un modèle différent des autres
22 communautés, notre population reçoit la majeure
23 partie des services directement de la province. Là
24 où cela se complique, c'est lorsque on nous demande
25 si on fait partie d'une Première Nation et que nous

1 répondons dans l'affirmative -- vous allez voir
2 pourquoi un petit peu plus tard.

3 Également, nous sommes, en grande partie, en
4 revenu autonome. Comme vous voyez, nos revenus
5 d'activités commerciales représentent 65 pour 100 de
6 nos revenus. Le revenu des Affaires indiennes est
7 de dix pour 100 et, les autres, c'est un petit peu
8 du gouvernement provincial et... mais c'est
9 vraiment, incessamment, un revenu autonome
10 d'activités commerciales propre à nous.

11 En 2000, nous avons signé l'accord politique
12 des trois Conseils micmaques du Québec, soit : le
13 Listuguj, Gesgapegiag et Gespeg, à la création de
14 l'Assemblée du Mi'gmawei Mawiomi et la mise sur pied
15 du secrétariat.

16 Comme j'expliquais tantôt, Gespeg est au
17 Québec, mais aussi sur -- chevauche les provinces
18 maritimes, donc, c'est ça, on est à l'APQL et à
19 l'Atlantic Policy Congress à Halifax et, bien
20 entendu, à l'Assemblée des Chefs du Canada.

21 La Nation micmaque du Québec est une Nation
22 dynamique. On déploie beaucoup d'efforts pour
23 travailler ensemble, les trois Communautés, et, en
24 2014, on a créé le Mi'gmawei Mawiomi Business
25 Corporation, la MMBC, et nous avons construit un des

1 gros parcs éoliens au Québec, qui s'appelle le
2 Mesgi'g Ugju's'n, qui est en territoire...la MRC
3 d'Avignon.

4 Le statut de sans réserve de Gespeg par -- en
5 rapport avec la création des réserves au Canada,
6 dans un second regain de la colonisation du Bas-
7 Canada, les réserves indiennes furent créées en 1853
8 dans le but de nous civiliser et nous éduquer.
9 En 1876, la Loi sur les Indiens nous interdisait
10 plusieurs pratiques traditionnelles. Le but était
11 de nous assimiler et de -- et que nous arrêtions de
12 pratiquer nos traditions. Malheureusement pour eux,
13 cette méthode n'a pas fonctionné. Heureusement pour
14 nous, les réserves ont eu pour conséquence
15 d'accroître les pratiques traditionnelles.

16 Malheureusement pour Gespeg, qui n'était pas
17 inclus dans les -- dans la création des réserves,
18 même si on avait des agents indiens sur place à
19 Gaspé qui disaient « prendre soin de nous », on n'a
20 pas et -- et on n'a pas eu de réserve,
21 malheureusement ou heureusement, seul l'avenir peut
22 nous le dire. Quoi que, ce que ça a eu pour
23 conséquence pour Gespeg, c'est de nous assimiler et,
24 en partie, en perdant l'usage de la langue et dans
25 certaines traditions, dans la pratique de certaines

1 traditions.

2 Ce qu'on fait maintenant, c'est la
3 réappropriation de notre culture traditionnelle et
4 nous avons sollicité l'aide de nos sœurs et frères
5 de Gesgapegiag et Listuguj.

6 Alors, depuis plusieurs années, nous constatons
7 et nous vivons la différence entre -- les
8 différences et les conséquences entre nous et les
9 gens des -- les autres Micmacs du Québec et même du
10 Nouveau-Brunswick et de la Nouvelle-Écosse. Il y a
11 une grosse différence, parce qu'on pratique pas, on
12 parle pas notre langue, quoi qu'on est en train de
13 la réintroduire.

14 C'est pourquoi qu'on a sollicité vraiment
15 l'aide de communautés sœurs Gesgapegiag et Listuguj,
16 puis on commence, là, à voir une différence. Les
17 gens de notre communauté apprennent, commencent à
18 apprendre la langue, apprend les danses, apprend la
19 culture. Ce qu'on trouve très important pour nous,
20 puis on a demandé, pour nous aider à réintroduire
21 tout ça, on avait demandé une subvention au
22 gouvernement du Québec via le ministère de la
23 Culture et des Communications, et, malheureusement,
24 on s'était fait répondre que le budget était pas au
25 rendez-vous, quoi que les budgets étaient annoncés

1 au niveau de la culture pour la réintroduction, pour
2 nous aider, au niveau de la Nation micmaque dans la
3 Gaspésie.

4 Les deux autres communautés ont signé une
5 résolution nous donnant leur partie budgétaire, le
6 donnant à Gespeg et, malgré ça, on n'a pas eu -- on
7 n'as pas les sommes souhaitées, et annoncées. Donc,
8 on se débrouille encore tous seuls via nos revenus
9 autonomes.

10 Alors, dans la réappropriation de notre
11 culture, on déploie beaucoup d'efforts à la
12 réintroduction et, comme on n'a pas nécessairement -
13 - comme on n'a pas nécessairement le budget qui va
14 avec, on essaye de faire des projets, beaucoup de
15 projets collaborateurs avec le milieu.

16 Donc, on a, avec le Musée de la Gaspésie, une
17 exposition qui s'appelle « Empreintes micmaques ».
18 On a, avec le Géoparc de Percé, « Il est 21 h à
19 Percé », c'est que la légende de la création du
20 peuple micmaque, la création de la terre. C'est
21 toutes des choses, des projets collaborateurs qu'on
22 fait aussi pour donner de l'information aux gens,
23 puis faire une éducation populaire sur la réalité
24 des Micmacs.

25 Nous avons, avec le Berceau du Canada à Gaspé,

1 le « Conte de vents et marées ».

2 Ce sont toutes des choses que nous faisons nous-
3 mêmes et sans l'aide nécessairement -- sans d'aide -
4 - sans une aide budgétaire du gouvernement Québec.
5 Alors, on doit être proactif et s'inclure dans des
6 projets comme ceux-ci.

7 Alors, je vais vous montrer, en photos, ce que
8 nous faisons. On a des gens de Listuguj et de
9 Gesgapegiag qui se déplacent à Gespeg pour venir
10 nous montrer la culture, et nous le faisons aussi
11 avec les adultes et avec les jeunes, et, maintenant,
12 on est fiers, parce qu'il y a des gens de notre
13 communautés qui dansent nos danses traditionnelles
14 micmaques puis qui se promènent à travers les pow-
15 wows du Québec. Alors, et ça, c'est vraiment récent
16 de cette année 2017.

17 Vous voyez quelques photos de notre site
18 d'interprétation qui interprète la culture micmaque
19 de 1675. Par notre site d'interprétation, on tente
20 aussi de se réapproprier notre culture. Puis, cette
21 année, on a fait une collaboration avec le Parc
22 national Forion dans le cadre de la Journée
23 internationale des Peuples autochtones et, ça aussi,
24 on a invité des gens de partout, des Micmacs de
25 partout, des provinces maritimes pour venir nous

1 aider, parce que, encore là, on n'a pas tous les
2 danseurs traditionnels pour tenir une journée.
3 Souvent, en pow-wow, on peut pas tenir un pow-wow.
4 Cette année, on a tenu une journée, ça s'est appelé
5 le Maweiomi, le « grand rassemblement », et c'est
6 vraiment tous des gens de l'extérieur qui sont venus
7 et quelques membres de notre communauté qui,
8 maintenant, dansent nos danses traditionnelles.
9 Ça fait que c'est vraiment la réalité de Gespeg qui
10 est vraiment, peut-être, différente de plusieurs
11 autres communautés qui sont sur réserve.

12 Alors, la répartition des gens de notre
13 communauté. Vous voyez Montréal : 391;
14 environnement -- environnement Montréal : 116, pour
15 un total de 507.

16 Et, à Gaspé, même chose : 322; environs de Gaspé :
17 82, et pour un total de 404.

18 Et des gens à l'extérieur, à l'extérieur du Québec
19 et à l'extérieur du Canada.

20 Et j'explique que, probablement, lié au fait
21 que nous n'ayons pas eu de réserve, une terre de
22 réserve, et à cause du déclin économique de la
23 région de la Gaspésie, il y a une certaine migration
24 de nos gens vers -- de Gaspé vers Québec et vers
25 Montréal dans les années 50.

1 Alors, notre réalité fait qu'on doit composer
2 avec ça, étant donné qu'on est sans réserve, avec
3 les gens qui se retrouvent à l'extérieur de notre
4 territoire traditionnel, ne sont pas considérés
5 « hors réserve »; ils sont considérés « sans
6 réserve ». Peu importe où est-ce qu'on est.
7 Ce qui fait la grosse différence, c'est que, les
8 gens, quand qu'ils sortent des réserves, ils sont
9 considérés hors réserve s'ils sont à Montréal.
10 Nous, peu importe où est-ce qu'on est, on est
11 considérés « sans réserve ». Dans les services
12 qu'on reçoit du Québec, ça fait une grosse
13 différence.

14 Alors, un peu comme les autres communautés, on
15 a eu, quand même, aussi des préjudices reliés à
16 l'école dans les années 40 et 60. On a pas vécu les
17 pensionnats indiens. Par contre, je le sais qu'on a
18 parlé beaucoup des pensionnats, puis c'était
19 légitime. Nous, ce qu'on a vécu à Gespeg, c'était
20 les dernières rangées de classe. Mon père, quand
21 qu'il allait à l'école, avait pas le droit de
22 s'asseoir en avant, il devait s'asseoir à la dernière
23 rangée de la classe, quand il pouvait s'asseoir.
24 C'était pas toujours.

25 Les journées... Les journées qu'il y avait les

1 corvées, tous les gens de Gespeg, de ma communauté,
2 comme mon père, devaient soit chauffer le poêle,
3 rentrer le bois, faire le ménage, pelleter, tondre
4 le gazon. Tous les aménagements, toutes les corvées
5 ménagères qu'il y avait à faire pour l'école, c'est
6 eux qui devaient les faire et, quand c'était fait,
7 ils avaient le droit de s'asseoir qu'à la dernière
8 rangée de la classe seulement.

9 C'est la différence qu'il y avait. On a pas eu
10 les écoles résidentielles, mais c'est ce que nous
11 avons vécu. Et là, j'ai le cas de mon père, mais
12 j'ai le cas de plusieurs membres de ma communauté
13 qui m'avaient déjà expliqué ça, parce que j'avais
14 rencontré les aînés de ma communauté pour -- dans le
15 cadre d'un projet, et les gens me disaient ça.
16 Ils étaient plusieurs à avoir vécu la même chose, et
17 c'était la même affaire : quand j'ai dit, tantôt,
18 les agents indiens qui devaient « prendre soin de
19 nous », souvent, ils distribuaient des balles de
20 laine pour fabriquer soit des couvertures, mais
21 c'était les aînés de ma communauté qui fabriquaient
22 les couvertures avec la laine et les agents
23 revenaient prendre la couverture et donnaient la
24 couverture au non-Autochtones. C'est ce que, nous,
25 on vivait à Gespeg. C'était... C'est une toute

1 autre réalité.

2 Alors, ce qui a fait que la plupart, beaucoup
3 de nos aînés de notre communauté, ils ont fait un
4 décrochage scolaire à l'âge de 12, 13, 14 ans, alors
5 pas de secondaire, vraiment juste niveau primaire,
6 et ont pas encouragé non plus leurs enfants à
7 étudier. Alors ce qui fait qu'aujourd'hui, on sent
8 encore l'effet qu'il y a une sous-scolarisation ou
9 pas d'intérêt à aller à l'école.

10 Alors, dans le système scolaire québécois, on
11 voit encore aujourd'hui les effets, les effets
12 néfastes, malgré les efforts déployés, nos enfants
13 vivent toujours des problématiques -- et là je vais
14 vous parler un peu de ce que ma fille a vécu. Ce
15 qui est enseigné dans les livres est encore trop
16 différent de la réalité. Alors, si nos enfants
17 osent lever sa main pour informer l'enseignant que
18 ce qu'il enseigne est différent de sa réalité, alors
19 il est rencontré.

20 Moi, je disais à ma fille : « Bien, lève ta
21 main et dis-leur », mais elle dit : « Je l'ai fait,
22 mais, elle dit, je me suis fait rencontrer ». J'ai
23 dit : « O.K. ». J'ai dit : « Bien... », puis là,
24 elle arrive dans son examen, elle doit répondre ce
25 qu'elle apprend dans sa classe, parce que si elle

1 répond ce qui est sa réalité, elle va être recalée.
2 Alors, je lui ai dit : « T'as pas le choix de
3 répondre ce que t'apprends, puis, quand tu vas avoir
4 fini l'école, fais, puis recommence. Oublie ce que
5 t'as appris à l'école, puis va avec ce que, toi, tu
6 vis, ce que tu apprends quand que tu fais tes
7 cérémonies ou quand tu assistes à des rencontres,
8 comme on tient avec le Mi'gmawei, les trois
9 communautés ensemble ». Et je peux vous dire
10 qu'elle a vécu la même problématique à l'université
11 l'année passée.

12 Alors, la problématique se poursuit même
13 jusqu'à l'université, où souvent les cours sont
14 donnés par des professeurs qui ne sont pas du tout
15 Autochtones et enseignent ce qu'ils ont appris eux-
16 mêmes à l'école, donc ce qui est différent de la
17 réalité. On perpétue, encore aujourd'hui, les
18 effets néfastes de la colonisation.

19 Je trouve ça très dommage. Alors, l'année
20 passée, ce qu'elle a fait, là, elle était en arts et
21 elle avait Art autochtone contemporain, et elle a
22 pris des -- là, elle a pris des choses, elle a fait
23 sa dissertation. Elle me l'a montrée. Elle a eu
24 une obstination avec le professeur. J'ai dit :
25 « Regarde, oublie ça. Écrit ce que t'as appris dans

1 tes livres, puis j'ai dit, après, on pourra en
2 discuter ». Mais elle est rendue à l'université.
3 Alors, je sais que le système scolaire est lent à
4 changer, mais je pense qu'il faudrait faire que le
5 gouvernement du Québec fait des efforts pour
6 déployer tous les efforts nécessaires, là, pour que
7 ce soit représentatif des 11 Nations du Québec,
8 parce que les gens aussi pensent que : parce qu'on
9 est Autochtones, on est tous pareils. Les 11
10 Nations du Québec, on est différents, puis je dirais
11 même que, à l'intérieur de nos Nations, les
12 communautés, c'est aussi différent : on a des
13 réalités différentes.

14 Alors, je vais passer aux services de santé que
15 nous avons au niveau autochtone, qu'est le Service
16 de santé pour non assurés. Je lirai pas
17 nécessairement la définition. J'ai pris la
18 définition du Service de santé pour non assurés sur
19 leur site Web. Ils expliquent ce qui est couvert
20 par les Services de santé pour non assurés.

21 On a une problématique, nous, à Gespeg, avec notre
22 transport médical. Au Québec, en général, quand
23 qu'on est en région éloignée, on n'a pas tous -- on
24 n'a pas tous les médecins en place, puis il faut
25 souvent sortir de la région. En général, le service

1 de transport médical est défrayé par la province,
2 quand que les gens doivent sortir.

3 Alors, lorsqu'un Micmac de Gespeg demande un
4 transport via le Centre intégré des Services de
5 santé pour se rendre soit à Rimouski, Québec ou à
6 Montréal, il est automatiquement refusé, parce qu'il
7 est Micmac de Gespeg. Alors, c'était une grosse
8 problématique qu'on avait avant 2016, parce que le
9 Québec voulait pas payer, parce qu'on était
10 Autochtones, et le Canada paye pas, parce qu'on est
11 sans réserve.

12 Alors, on a eu... On voit une différence depuis
13 2016 : maintenant, le SSNA accepte de payer notre
14 transport médical. Avant 2016, c'était souvent aux
15 frais de Gespeg. Ça fait qu'on avait -- on tombait
16 tout le temps dans le fameux vide juridique, c'est
17 que : Québec veut pas payer, le Canada veut pas
18 payer. Qui est-ce -- qui qu'il faut qu'il paye
19 quand la personne, il faut qu'il se déplace? Bien,
20 c'est Gespeg, via nos propres revenus autonomes.
21 Et, ça, c'était un gros problème qu'on avait avant.
22 On s'est débattus avec ça, on était frustrés, on
23 était fâchés.

24 Mais, depuis 2016, c'est réglé, parce que le
25 gouvernement du Canada accepte de le payer

1 maintenant, via la Santé -- le Service de santé pour
2 non assurés de Santé Canada.

3 Mais, encore là, il faut quand même que Gespeg
4 engage quelqu'un pour aider les gens à remplir les
5 papiers, et le délai de remboursement du SSNA est de
6 quatre à 12 semaines, mais la personne doit être
7 accompagnée pour remplir les papiers, et c'est nous
8 qui payons. On a une partie de subvention, mais la
9 majeure partie du salaire de la personne est aux
10 frais de Gespeg. Ce qui, je trouve, qui est pas
11 normal, là, mais...

12 **Me CHRISTIAN LEBLANC:**

13 Je m'excuse...

14 **Mme MANON JEANNOTTE:**

15 Oui.

16 **Me CHRISTIAN LEBLANC:**

17 ... de vous interrompre pendant votre présentation,
18 mais j'aimerais vraiment, avant que vous alliez plus
19 loin...

20 **Mme MANON JEANNOTTE:**

21 Oui.

22 **Me CHRISTIAN LEBLANC:**

23 ... revenir sur ce que vous venez de dire, parce
24 qu'il y a des choses que, je pense, qui mériteraient
25 d'être détaillées.

1 Parce que vous avez dit, tout à l'heure, « hors
2 réserve » versus « sans réserve », vous avez dit :
3 ...

4 **Mme MANON JEANNOTTE :**

5 Hum, hum.

6 **Me CHRISTIAN LEBLANC :**

7 ... « Il y a des grosses différences ». Est-ce...
8 Je comprends que c'est à ce genre de situations-là
9 que vous faites référence?

10 **Mme MANON JEANNOTTE :**

11 Mais c'est parce que la « hors réserve » -- le
12 « hors réserve » va avoir accès aux services de la
13 province. Le « sans réserve »...

14 **Me CHRISTIAN LEBLANC :**

15 Oui, donc, quelqu'un qui est -- quelqu'un qui fait
16 partie d'une réserve...

17 **Mme MANON JEANNOTTE :**

18 Oui.

19 **Me CHRISTIAN LEBLANC :**

20 ... d'une communauté... .

21 **Mme MANON JEANNOTTE :**

22 Oui.

23 **Me CHRISTIAN LEBLANC :**

24 ... qui a un statut de « réserve »...

25 **Mme MANON JEANNOTTE :**

1 Oui.

2 **Me CHRISTIAN LEBLANC :**

3 ... qui vit à l'extérieur ou qui va chercher des
4 services à l'extérieur de cette réserve-là,
5 automatiquement, c'est payé par le Québec.

6 **Mme MANON JEANNOTTE :**

7 Bien, c'est payé... Pas nécessairement. Des fois,
8 ça va être payé par le Canada, mais, en général,
9 c'est par le Québec.

10 **Me CHRISTIAN LEBLANC :**

11 O.K.

12 **Mme MANON JEANNOTTE :**

13 Mais, nous, en étant « sans réserve » -- puis je le
14 sais pas pourquoi, c'est un vide juridique, on en
15 parle souvent avec les avocats -- on n'a pas de
16 catégorie pour les sans réserve.

17 **Me CHRISTIAN LEBLANC :**

18 Donc, quelqu'un qui a vraiment un statut de membre
19 d'une Première Nation au Québec, là, statut...

20 **Mme MANON JEANNOTTE :**

21 Hum, hum.

22 **Me CHRISTIAN LEBLANC :**

23 ... reconnu d'Amérindien, et qui ne -- qui est
24 rattaché à Gespeg, qui n'a pas le statut de réserve,
25 n'est pas considéré comme au même titre qu'un

1 Autochtone rattaché à une réserve qui vit hors
2 réserve.

3 **Mme MANON JEANNOTTE :**

4 Non.

5 **Me CHRISTIAN LEBLANC :**

6 Et, est-ce que, aujourd'hui -- bon, vous dites : ça
7 s'est quand même, je comprends, réglé quand même
8 assez récemment, là? Deux mille seize, c'est
9 l'année dernière?

10 **Mme MANON JEANNOTTE :**

11 Oui. Oui.

12 **Me CHRISTIAN LEBLANC :**

13 Est-ce qu'il y a d'autres domaines de services ou
14 d'autres exemples de -- où ce genre de situation-
15 là...

16 **Mme MANON JEANNOTTE :**

17 Oui. Vous allez en avoir plusieurs. J'en ai plus
18 loin.

19 **Me CHRISTIAN LEBLANC :**

20 Dans -- O.K. Bien...

21 **Mme MANON JEANNOTTE :**

22 Pas en santé, mais en -- d'autres services.

23 **Me CHRISTIAN LEBLANC :**

24 Très bien.

25 **Mme MANON JEANNOTTE :**

1 Oui.

2 **Me CHRISTIAN LEBLANC :**

3 Bien, je vous remercie. Je vous laisse continuer.

4 **Mme MANON JEANNOTTE :**

5 Oui. Où est-ce que j'étais rendue? Ah, oui, O.K.,

6 « Service ».

7 Le Services de santé pour non assurés en lien
8 ou en comparaison avec le régime d'assurance
9 médicament du Québec, surtout dans le cas de nos
10 aînés de 65 ans et plus -- puis je le précise ici :
11 c'est pas juste les 65 ans qui le vivent, mais dans
12 les services de santé pour les 65 ans, j'ai comme
13 une demande spécifique, puis je trouve que c'est
14 important.

15 Les gens de ma communauté me contactent des
16 fois, puis ils me disent leurs frustrations
17 concernant des expériences qu'ils ont vécues à la
18 pharmacie : ils vont à la pharmacie chercher un
19 médicament et, de plus en plus, je le sais pas
20 pourquoi, là, mais avec le SSNA, de plus en plus, la
21 liste des médicaments non couverts s'allonge.
22 Alors, la pharmacienne répond, ou le pharmacien
23 disent, ils nous disent à nous : « C'est dommage,
24 mais le médicament est payé par le régime
25 d'assurance médicament du Québec ». Ça fait que,

1 nous, quand qu'on est à la pharmacie, là, on change
2 de couleur, parce qu'on vient fâchés. Ça fait que
3 là...

4 **Me CHRISTIAN LEBLANC:**

5 Je m'excuse encore.

6 **Mme MANON JEANNOTTE:**

7 Oui.

8 **Me CHRISTIAN LEBLANC:**

9 Je suis pas sûr de saisir, là.

10 **Mme MANON JEANNOTTE:**

11 Parce que, nous, on est pas éligibles à l'assurance
12 médicament du Québec, on y a pas droit. O.K.?

13 **Me CHRISTIAN LEBLANC:**

14 O.K.

15 **Mme MANON JEANNOTTE:**

16 Puis, ça, c'est tous les Autochtones qui a pas droit
17 au régime d'assurance médicament du Québec. On a,
18 ce qu'eux considère, une assurance privée que les
19 Services de santé pour non assurés, qui, les
20 Autochtones et les immigrants, qui sont avec le
21 SSNA. Tu sais, les mêmes.

22 Ça fait que, eux, pour le régime d'assurance
23 médicament du Québec, le SSNA est considéré comme
24 une assurance privée, mais c'est une assurance qui
25 est de Santé Canada, qui est publique aussi -- mais

1 au niveau du Canada, qui prend soin des immigrants --
2 des immigrants et des Autochtones.

3 **Me CHRISTIAN LEBLANC :**

4 Et je comprends que la liste des médicaments
5 couverts n'est pas la même.

6 **Mme MANON JEANNOTTE :**

7 Non, elle est pas du tout la même, puis ça l'arrive
8 souvent, en ce moment, il y a beaucoup d'exclusions
9 de la liste du SSNA, mais qui est -- qui serait
10 couvert par l'assurance médicament du Québec.
11 Alors, nous, vu qu'on n'est pas éligibles à
12 l'assurance médicament du Québec, qui est exclue du
13 SSNA, on doit le payer. Là, je me dis : « Bien,
14 pour les gens qui travaillent, ça va, mais pour les
15 65 ans et plus? ». Ils ont... Ils doivent le payer,
16 puis ils ont pas nécessairement les revenus qui va
17 avec ça, là.

18 **Me CHRISTIAN LEBLANC :**

19 Je vous remercie. Je m'excuse de vous interrompre
20 comme ça, mais c'est...

21 **Mme MANON JEANNOTTE :**

22 C'est parfait, non. C'est parfait.

23 **Me CHRISTIAN LEBLANC :**

24 ... des petites choses, je pense, qui... Plutôt que
25 de revenir à la fin, là...

1 **Mme MANON JEANNOTTE :**

2 Oui.

3 **Me CHRISTIAN LEBLANC :**

4 ... ça m'apparaissait important de...

5 **Mme MANON JEANNOTTE :**

6 Oui. C'est parfait.

7 **LE COMMISSAIRE :**

8 Ça... Simplement pour me faire une tête là-dessus,

9 là.

10 **Mme MANON JEANNOTTE :**

11 Oui.

12 **LE COMMISSAIRE :**

13 Est-ce que je dois comprendre qu'un Autochtone

14 inscrit...

15 **Mme MANON JEANNOTTE :**

16 Hum, hum.

17 **LE COMMISSAIRE :**

18 ... parce que les Micmacs sont probablement inscrits

19 aussi...

20 **Mme MANON JEANNOTTE :**

21 Oui.

22 **LE COMMISSAIRE :**

23 ... même si c'est hors réserve.

24 **Mme MANON JEANNOTTE :**

25 Oui, oui.

1 **LE COMMISSAIRE :**

2 ... -- Indiens inscrits au sens de la Loi sur les

3 Indiens -- ...

4 **Mme MANON JEANNOTTE :**

5 Oui, c'est la même chose, oui.

6 **LE COMMISSAIRE :**

7 ... n'est pas admissible à la Régie d'assurance

8 médicament du Québec?

9 **Mme MANON JEANNOTTE :**

10 C'est ça.

11 **LE COMMISSAIRE :**

12 C'est ce que je comprends?

13 **Mme MANON JEANNOTTE :**

14 Oui. Oui.

15 **LE COMMISSAIRE :**

16 C'est... Et ça couvre aussi les autres Nations? Les

17 autres...

18 **Mme MANON JEANNOTTE :**

19 C'est toutes les Nations du Canada.

20 **LE COMMISSAIRE :**

21 O.K.

22 **Mme MANON JEANNOTTE :**

23 C'est pas spécifique à Gespeg...

24 **LE COMMISSAIRE :**

25 O.K.

1 **Mme MANON JEANNOTTE :**

2 ... puis c'est toutes les Nations du Canada : on a
3 le SSNA -- Services de santé pour non assurés -- et
4 il faut avoir un statut, il faut être statué. Ça
5 fait que t'es hors réserve, sans réserve, avec
6 réserve, ça l'a aucune importance.

7 **LE COMMISSAIRE :**

8 Et comme la couverture est pas la même...

9 **Mme MANON JEANNOTTE :**

10 Non.

11 **LE COMMISSAIRE :**

12 ... la Régie d'assurance médicament et Services de
13 santé Canada, bien, si c'est pas couvert par
14 Services de santé Canada, vous vous retrouvez
15 dans...

16 **Mme MANON JEANNOTTE :**

17 Dans le néant.

18 **LE COMMISSAIRE :**

19 ... entre deux chaises, dans le vide?

20 **Mme MANON JEANNOTTE :**

21 C'est ça.

22 **LE COMMISSAIRE :**

23 C'est ce que je comprends.

24 **Mme MANON JEANNOTTE :**

25 Puis, ça arrive de plus en plus.

1 **LE COMMISSAIRE :**

2 Oui?

3 **Mme MANON JEANNOTTE :**

4 Parce que la liste des médicaments non couverts du
5 SSNA s'allonge. Pourquoi? On comprend pas. Mais
6 ça, c'est un gros dossier de santé avec la
7 Commission de la santé et des services sociaux de
8 l'APNQL.

9 **LE COMMISSAIRE :**

10 Et la liste de ce qui est pas couvert, en vérifiant
11 avec des pharmaciens, on pourrait savoir la
12 différence entre les deux assez facilement? Je...

13 **Mme MANON JEANNOTTE :**

14 Oui. Oui, oui.

15 **LE COMMISSAIRE :**

16 O.K.

17 **Mme MANON JEANNOTTE :**

18 Ils ont la brique, je pense qu'elle est « ça »
19 d'épaisse, là...

20 **LE COMMISSAIRE :**

21 Ah oui?

22 **Mme MANON JEANNOTTE :**

23 ... de ce qui est couvert et pas couvert.

24 **LE COMMISSAIRE :**

25 Le compendium?

1 **Mme MANON JEANNOTTE :**

2 Oui. Oui, oui, ils peuvent... Oui, ils ont tous la
3 liste de ce qui est couvert et non couvert dans les
4 pharmacies.

5 **Me CHRISTIAN LEBLANC :**

6 Et diriez-vous que, selon votre expérience, la liste
7 de ce qui est payé par le fédéral est plus courte
8 que celle payée par le provincial, de façon
9 générale?

10 **Mme MANON JEANNOTTE :**

11 Oui.

12 **Me CHRISTIAN LEBLANC :**

13 Ou c'est seulement des médicaments... Il y a-tu
14 d'autres situations où c'est payé par le fédéral,
15 pas par le provincial?

16 **Mme MANON JEANNOTTE :**

17 Là, je pourrais pas vous le dire.

18 **Me CHRISTIAN LEBLANC :**

19 O.K., ça va.

20 **Mme MANON JEANNOTTE :**

21 Parce que je le sais pas.

22 **Me CHRISTIAN LEBLANC :**

23 O.K.

24 **Mme MANON JEANNOTTE :**

25 Parce que j'ai pas accès à l'assurance médicament du

1 Québec, je le sais pas. Mais...

2 **Me CHRISTIAN LEBLANC :**

3 Mais dans la situation...

4 **Mme MANON JEANNOTTE :**

5 Dans la...

6 **Me CHRISTIAN LEBLANC :**

7 ... où c'est pas payé par le fédéral et ça l'est par
8 le Québec, ça crée un problème pour...

9 **Mme MANON JEANNOTTE :**

10 Bien, c'est frustrant.

11 **Me CHRISTIAN LEBLANC :**

12 Oui?

13 **Mme MANON JEANNOTTE :**

14 Ça... C'est parce que, c'est nous, on doit juste le
15 payer. Mais c'est parce que la...

16 **Me CHRISTIAN LEBLANC :**

17 C'est un traitement différent, en tout cas, avec le
18 citoyen québécois qui...

19 **Mme MANON JEANNOTTE :**

20 Oui.

21 **Me CHRISTIAN LEBLANC :**

22 ... qui a pas -- qui est pas un Autochtone, Indien.

23 **Mme MANON JEANNOTTE :**

24 Puis je le sais pas dans les autres provinces si --
25 quel est l'accord entre la SSNA et les autres

1 provinces, j'ai aucune idée. Mais, au Québec, c'est
2 ce que, nous, on vit. Puis je l'ai vécu moi-même,
3 là. Pour me faire dire, par la pharmacienne :
4 « C'est dommage, mais c'est payé par l'assurance
5 médicament du Québec. Je peux pas rien faire ».
6 Je...

7 **Me CHRISTIAN LEBLANC :**

8 O.K.

9 **Mme MANON JEANNOTTE :**

10 J'ai été obligée de le payer ou je prends pas le
11 médicament : c'est un ou c'est l'autre. Mais j'ai
12 pas... On n'a pas dix choix.

13 **Me CHRISTIAN LEBLANC :**

14 Je vous remercie. Je vous laisser continuer.

15 **Mme MANON JEANNOTTE :**

16 Puis c'est ça dans la -- mon deuxième paragraphe, ce
17 que je demande, c'est : je peux comprendre que
18 l'assurance médicament du Québec, avec une assurance
19 privée, tu sais, tu peux pas avoir une double
20 réclamation. Ça fait que, la façon que le système
21 de l'assurance médicament du Québec est fait : quand
22 t'as une assurance privée, t'es pas éligible. Ça,
23 ça va.

24 Mais dans le cas du SSNA qui, que je considère
25 une assurance -- bien, pas une « assurance », mais

1 un service public, dans les cas des Autochtones de
2 nos aînés de 65 ans et plus, il devrait y avoir une
3 concordance entre les deux pour dire : « Bien, si
4 c'est pas payé par la SSNA, ça pourrait être payé
5 par l'assurance médicament du Québec ». Je me dis :
6 « On est quand même des Québécois, on est quand même
7 au Québec », puis on devrait être traités comme des
8 citoyens aussi de la province du Québec.

9 **Me CHRISTIAN LEBLANC :**

10 Ça va. Je vous laisse continuer, Madame.

11 **Mme MANON JEANNOTTE :**

12 O.K. Dans les autres services qu'il y a de
13 problématique comme celle-là, il y a celle-là
14 d'Emploi Québec.

15 Lorsqu'un Micmac de Gespeg se présente au bureau
16 d'Emploi Québec pour bénéficier d'un des services,
17 la première question qu'on demande, c'est : « Êtes-
18 vous un Micmac de Gespeg? ».

19 Si... dans une ville comme Gaspé, c'est difficile de
20 dire « non », puis, si à la minute que tu
21 dis « oui », bien, on -- t'es refusé, là. On n'a...
22 On te réfère directement à ta communauté, il y a pas
23 -- il y a aucun service possible. Ça s'arrête là.
24 Ça fait que, nous, de ce qu'on comprend, c'est que :
25 à la minute que tu dis que t'es Autochtone à Emploi

1 Québec, bien, t'es complètement -- t'es... Ils ne te
2 servent pas, ils te réfèrent directement à ta
3 communauté, donc : aucun service possible.

4 Alors, nous, on a aussi des programmes
5 d'employabilité, qui pourraient peut-être être
6 comparables à Emploi Québec, mais ils sont tellement
7 minimes, nos enveloppes budgétaires sont tellement
8 minimes que, de notre côté, on doit souvent refuser
9 des gens puis, un moment donné, Gespeg a pris la
10 décision d'investir dans l'aide, dans les programmes
11 d'employabilité, de formation pour les gens de notre
12 communauté. Ça fait qu'on a pris, encore, de
13 l'argent de nos revenus autonomes pour aider nos
14 gens à la communauté, parce que, sinon, ils
15 pouvaient pas avoir ce service-là avec Emploi
16 Québec.

17 Parce que c'est souvent, tu vas voir Emploi
18 Québec, des fois, pour des petites formations ou...
19 Mais si t'es Micmac de Gespeg, oublie ça. T'es pas
20 servi.

21 **Me CHRISTIAN LEBLANC :**

22 Mais si la personne était un Autochtone inscrit de
23 l'une ou l'autre des deux autres communautés, et
24 qu'il vit hors communauté?

25 **Mme MANON JEANNOTTE :**

1 Je le sais pas.

2 **Me CHRISTIAN LEBLANC :**

3 O.K.

4 **Mme MANON JEANNOTTE :**

5 Là, je le sais pas. Hum.

6 **Me CHRISTIAN LEBLANC :**

7 Pour voir si la -- le problème...

8 **Mme MANON JEANNOTTE :**

9 Oui, s'il y a une différence entre le « hors
10 réserve » puis le « sans réserve ». Oui, c'est
11 vrai. Oui.

12 **Me CHRISTIAN LEBLANC :**

13 Entre le « hors réserve » et le « sans réserve ».

14 **Mme MANON JEANNOTTE :**

15 Oui.

16 **Me CHRISTIAN LEBLANC :**

17 O.K. O.K., je vais...

18 **Mme MANON JEANNOTTE :**

19 Je le sais pas. Oui.

20 Je vais vous parler un peu du vide juridique
21 entourant Gespeg. C'est... Des fois, on vit, c'est
22 ça, de la double ou de la triple discrimination.
23 C'est que, étant donné, justement, qu'on est sans
24 réserve -- puis j'ai pas... Ça me prendrait peut-
25 être tout le bureau administratif avec moi pour

1 avoir tous les exemples, mais si vous voulez des
2 exemples concrets, je peux en chercher dans l'équipe
3 administrative, puis vous en fournir. Sur, eux, ce
4 qu'ils vivent au quotidien dans la différence entre
5 le « sans réserve » et le « hors réserve ».

6 **Me CHRISTIAN LEBLANC :**

7 Ça serait...

8 **Mme MANON JEANNOTTE :**

9 Oui.

10 **Me CHRISTIAN LEBLANC :**

11 ... effectivement très apprécié. Ça pourrait nous
12 orienter, nous donner des pistes, en tout cas, de
13 recherche, là.

14 **Mme MANON JEANNOTTE :**

15 Parfait. Parfait.

16 On le vit aussi, on l'a vécu, un moment donné, avec
17 Gespeg, avec notre table de négociation. C'était
18 difficile, le fait d'avoir -- d'être sans réserve.
19 Parce que, souvent, le Canada va dire : « Tu
20 t'adresses à la province, parce que t'es sans
21 réserve »; puis le -- la province va dire : « Bien,
22 vous êtes reconnus selon l'article 2.1 de la Loi sur
23 les Indiens, alors, vous relevez du gouvernement du
24 Canada ».

25 Puis, récemment, on a vécu une triple

1 discrimination, c'est qu'on a voulu faire affaire
2 avec les commissions de l'APNQL, pour apprendre
3 que : ils pouvaient pas nous servir eux non plus,
4 parce que leur budget venait des Affaires
5 autochtones, de ADNC, et que, nous, sans réserve, on
6 répondait pas aux critères. Puis, eux, leur
7 enveloppe budgétaire vient des Affaires indiennes.

8 Là, j'ai dit : « Bien voyons. On répond pas ni
9 d'un côté ni de l'autre, j'ai dit, on est où dans
10 ça, Gespeg? ». C'est -- je... On a trouvé ça, je
11 dirais, le Conseil, les élus de la communauté, on a
12 trouvé ça difficile.

13 Alors, on trouve difficile de vivre dans une
14 province qui, souvent, refuse de nous aider, de nous
15 donner des services auxquels nous considérons avoir
16 droit en tant que citoyens de cette province, comme
17 il est difficile de vivre dans un pays où c'est
18 l'entité gouvernementale de ce pays qui a créé ce
19 vide juridique dont Gespeg subi toujours les
20 conséquences aujourd'hui. C'est aussi difficile en
21 tant qu'être humain de ressentir qu'il n'y a
22 personne qui veut en prendre la responsabilité.
23 Alors, je le sais que le mandat de la Commission
24 était spécifique à -- aux services policiers,
25 services correctionnels, services de justice et

1 services de santé et services sociaux, et protection
2 de la jeunesse, mais, nous, on demande d'aller au-
3 delà du mandat de la Commission.

4 Peut-être que vous pourrez pas en prendre
5 considération, mais on trouve important de vous
6 expliquer ce qu'on vit aussi avec d'autres
7 ministères qui est pas nécessairement ceux visés.
8 O.K.? Et madame Morrison va vous faire un portrait
9 de la Nation : qu'est-ce que la Nation et
10 l'utilisation de notre territoire.

11 Oh, j'avais oublié, juste avant ça : notre
12 relation avec le Secrétariat aux affaires
13 autochtones, que je veux quand même -- sans prendre
14 trop de temps, juste expliquer... Puis, vous allez
15 voir, dans la présentation, je lirai pas tout, mais
16 je fais souvent référence à la Déclaration des
17 Nations unies sur le droit des peuples autochtones.

18 Avec le Secrétariat aux affaires autochtones,
19 on est très reconnaissants qu'il y ait -- qu'ils
20 allouent un budget en développement économique,
21 parce que c'est important que les communautés se
22 développent au niveau économique aussi. La
23 problématique qu'on a, c'est la lenteur des
24 traitements des demandes.

25 Dans le cas, nous, on avait un projet

1 spécifique, puis, avec un étudiant de l'Université
2 Laval, une collaboration pour cet été, on n'a
3 toujours pas la réponse. L'été est passé,
4 l'étudiant n'est à peu près plus disponible, ça fait
5 qu'on va avoir passé à côté d'une opportunité en
6 développement, à cause que la réponse a tardé à
7 venir.

8 C'est la même chose dans le cas du Mi'gmawei --
9 eux, c'est plus au niveau du financement de
10 l'institution : on est à six mois, là, du début de
11 l'année financière, puis on n'a toujours pas de
12 réponse. Ça fait que, eux, doivent fonctionner,
13 sans savoir s'ils vont avoir un budget. Ça fait que
14 les argents sont déjà engagés. Ça fait que si on
15 n'a pas de budget, bien, là, ils vont devoir, je
16 sais pas, se tourner vers les communautés puis
17 essayer d'avoir de l'argent.

18 Mais c'est pas normal que -- qu'on est dans
19 cette situation comme ça, six mois ou huit mois
20 après le début de l'année financière, les demandes
21 des budgets. Ça fait que là on se -- on se pose la
22 question, nous : « Est-ce que c'est comme ça? Est-
23 ce que les autres non-Autochtones, les communautés
24 ou les organisations non-autochtones vivent la même
25 chose en relation avec le gouvernement du Québec,

1 s'ils ont une subvention quelconque? Est-ce que ça
2 prend de six à huit mois avant d'avoir une
3 réponse? ».

4 Ça fait qu'on trouve que c'est pas normal, ça
5 fait qu'on voulait dénoncer ça aujourd'hui : malgré
6 le fait qu'on est reconnaissants qu'il y ait une
7 enveloppe budgétaire d'attribuée, il faudrait
8 accélérer le processus, parce que, sinon, nous, on
9 passe à côté de bien des opportunités que -- où on
10 doit décaler puis, encore, quand qu'on décale, on
11 peut pas faire le projet comme on voulait le faire
12 au début, parce que les gens ne sont plus
13 disponibles. Alors...

14 Puis, puis on se demande, aussi, si c'est une -
15 - si c'est... On voudrait avoir une relation de
16 confiance, puis, c'est-tu, c'est parce que leur
17 niveau de confiance est pas là avec nous? Est-ce
18 qu'ils pensent qu'on livrera pas? Est-ce qu'on --
19 est-ce qu'ils pensent qu'on n'est pas capables de le
20 faire? Je le sais pas. Mais il y a une
21 problématique là.

22 Puis ce que madame Morrison me disait, c'est
23 que : « C'est énorme, après, les rapports. Toutes,
24 toutes les justifications dans les moindres détails
25 qu'il faut donner après avoir reçu la subvention ».

1 Ça fait que je dis : « C'est-tu parce qu'il manque -
2 il y un niveau de confiance qui est pas là ou qu'ils
3 pensent qu'on n'est pas capables? ». Je le sais
4 pas.

5 Alors, je vais passer la parole à Terri-Lynn.

6 **Me CHRISTIAN LEBLANC :**

7 Peut-être, juste avant...

8 **Mme MANON JEANNOTTE :**

9 Oui?

10 **Me CHRISTIAN LEBLANC :**

11 ... de passer la parole à madame Morrison, il y a
12 une question qui me vient à l'esprit, peut-être que
13 vous êtes pas en mesure de répondre, peut-être que
14 c'est plus complexe que ce que je m'appête à dire,
15 mais : est-ce que la situation serait moins
16 problématique pour vos gens si -- je le sais pas de
17 quelle manière, mais ils étaient légalement
18 considérés comme des Autochtones inscrits vivant
19 hors réserve?

20 **Mme MANON JEANNOTTE :**

21 Dans le cas...

22 **Me CHRISTIAN LEBLANC :**

23 Ou ça créerait d'autres problèmes ou ça vous ferait
24 perdre (inaudible)?

25 **Mme MANON JEANNOTTE :**

1 Dans quel cas? Dans le cas du SA ou dans le cas des
2 autres services?

3 **Me CHRISTIAN LEBLANC :**

4 Bien, disons dans... Si on voit ça globalement, est-
5 ce que ça serait une solution ou ça serait quelque
6 chose qui est tellement complexe que ça pourrait
7 créer d'autres problèmes? Est-ce que... C'est peut-
8 être trop simpliste comme -- peut-être que ma
9 suggestion est trop simpliste?

10 **Mme MANON JEANNOTTE :**

11 Mais j'ai discuté avec le Chef des Malécites de
12 Viger : eux, ils ont -- avant, ils étaient un peu
13 comme nous, il y a longtemps. Dans le fond, c'est
14 le Conseil qui est reconnu comme réserve. Les gens
15 sont tous hors réserve, mais ils vivent pas les
16 problématiques qu'on vit, mais c'est une situation
17 comparable à la nôtre, à Gespeg, parce qu'ils sont
18 partout ailleurs.

19 **Me CHRISTIAN LEBLANC :**

20 Ils ont pas de territoire, en réalité...

21 **Mme MANON JEANNOTTE :**

22 Ils ont pas de territoire. Ils en ont un, mais ils
23 l'occupent pas encore, là. Mais, en ce moment-là,
24 ils ont la même réalité que la nôtre, c'est qu'ils
25 sont partout : sur la Côte-Nord, à Montréal, aux

1 États-Unis, mais ils vivent pas ce qu'on vit.

2 **Me CHRISTIAN LEBLANC :**

3 Ils sont pas -- donc, quand vous dites, « ce qu'on
4 vit »...

5 **Mme MANON JEANNOTTE :**

6 Ils sont pas considérés -- ils sont considérés...

7 **Me CHRISTIAN LEBLANC :**

8 ... « ils vivent pas ce qu'on vit », ils sont pas
9 considérés comme des « sans réserve ».

10 **Mme MANON JEANNOTTE :**

11 Non, ils sont considérés comme des « hors réserve ».

12 **Me CHRISTIAN LEBLANC :**

13 Des « hors réserve ».

14 **Mme MANON JEANNOTTE :**

15 Et qu'ils ont pas la... Ils ont pas les
16 problématiques qu'on a.

17 **Me CHRISTIAN LEBLANC :**

18 O.K. Je vous remercie.

19 **Mme MANON JEANNOTTE :**

20 Merci.

21 **Me CHRISTIAN LEBLANC :**

22 Madame Morrison?

23 **Mme MANON JEANNOTTE :**

24 Je vais checker...

25 **Mme TERRI-LYNN MORRISON :**

1 Merci.

2 **Me MAXIME LAGANIÈRE :**

3 Terry-Lynn va s'adresser en anglais, elle lira pas
4 nécessairement les diapositives, mais elle va
5 exprimer ce qu'on vit au niveau du territoire. On
6 voit le territoire traditionnel micmaque, alors, je
7 passe la parole à Terri-Lynn.

8 **Mme TERRI-LYNN MORRISON :**

9 Je pense -- je parle en français, mais I'm better in
10 English, when I have to talk about this stuff.

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1 **Mme TERRI LYNN MORRISON :**

2 Before I get into my presentation, I just want to
3 presentation, I just want to congratulate Chief
4 Manon and her presentation. I learned something
5 myself sitting here. I've been working for the
6 three communities since 2006, and, like she
7 mentioned, it's -- there's a lot of differences
8 between the three communities, even though we're
9 relatively close together and are part of the same
10 Nation.

11 And one of the things that -- when we go to
12 Gespeg and we have our Mawiomis over there, an elder
13 that comes with us, he told me: every time he goes
14 to Gespeg, that's where the spirits of our ancestors
15 are the strongest, because that's really where the
16 boat landed, when Jacques Cartier came across. So,
17 I find it sad to hear how they're struggling with
18 themselves in terms of their identity and... You
19 know, we face that everyday, being Micmac or being
20 Indigenous people in this province. So, I can image
21 how they're facing it, you know, even amongst their
22 Nation and feeling like they're not really a part of
23 it, when they, actually we were all, at the very
24 beginning, so. Good job.

25 Just to talk a little bit about the territory

1 of the Micmac and what we call "Gespe'gawa'gi",
2 which is our -- essentially the province that we
3 live in, the seventh district. Gespe'gawa'gi is the
4 last district, and it covers part of New-Brunswick,
5 the Gaspésie as you know it, l'île d'Anticosti, it
6 goes as far as Rivière-du-Loup, and it event touches
7 on the parts of Maine. So, it's a big territory,
8 but the area that we focus on primarily, through the
9 political accord of the three communities of
10 Listuguj, Geshapegiag and Gespeg is on the Québec
11 side of Gespe'gawa'gi.

12 And we put this -- deposit, it's our Statement
13 of claim and we deposited it officially to the
14 governments of Québec and Canada in 2005. So, that
15 has been accepted by Canada, they're aware that this
16 is our territory and just, recently, in December of
17 2016, Québec finally acknowledged that there are
18 Micmac rights and title in the territory that we're
19 claiming too. So, it took them a long time to come
20 around, but they finally have said: "Hey, maybe
21 you're right, maybe you did actually occupy this
22 territory" -- tu peux continuer.

23 **Mme MANON JEANNOTTE :**

24 O.K. Je vais juste... Je vais reprendre la parole,
25 quelques -- juste quelques petites minutes.

1 **CHEF MANON JEANNOTTE**

2 À Gespeg, avec le ministère de l'Énergie -- bien, je
3 dirais pas « à Gespeg », mais les trois communautés
4 micmaques, on travaille beaucoup sur l'utilisation
5 du territoire et notre relation avec le ministère de
6 l'Énergie et des Ressources naturelles est souvent
7 difficile, puis on est inquiets de la façon dont le
8 territoire québécois est géré ou de la façon dont
9 les ressources naturelles sont protégées ou non
10 protégées, ou dont la manière nous sommes considérés
11 ou non considérés à titre de Nation micmaque
12 occupant le territoire, bien avant la création du
13 Canada et de ses provinces.

14 La communauté micmaque n'a jamais été consultée
15 sur l'émission des permis aux promoteurs ou
16 exploitants des ressources naturelles sur notre
17 territoire.

18 Alors, on a... Au cours des dix dernières
19 années, le gouvernement du Québec a délivré
20 plusieurs permis à des promoteurs au niveau des
21 hydrocarbures sans consulter la Nation micmaque, et
22 on trouve que c'est -- inacceptable.

23 Et c'est la même chose pour l'attribution des lots
24 de villégiatures -- et, là, je vais vous montrer une
25 série de cartes et Terri ynn va reprendre la parole

1 en anglais.

2 **Mme TERRI LYNN MORRISON:**

3 Hum, hum.

4 Part of the reason why we felt it was important to
5 present the way that Québec has been using the
6 territory and how they're occupying it, is because
7 of Gespeg situation, being that there are nine
8 reserve community. So, when you see the
9 displacement on their usage and how they used to
10 traditionally occupy the territory and, now, how
11 Québec's plans are sort of restricting them from
12 having that, so, we wanted just to put that in front
13 of the Commission to say -- to show, you know, if
14 you look at it, back in 1995, the use of the
15 villégiature, that's called "vacation lots". So,
16 that's the camps that people go to, where they do
17 their semaine de chasse and or what not in the
18 territory.

19 So, back in 1995, there was 42, but, up until
20 2000, the number increased significantly. Where
21 there was, you know, 483 and, right now, you can
22 see, in 2010, which is a very short period, the
23 density of these vacation lots and how they're
24 taking over all the areas of Gespe'gawa'gi, and
25 that's only one aspect of the use of territory that

1 Québec is doing. Right now, we're up to 1807.
2 Recently, the three communities put a resolution
3 forward together, back in November of 2016, where
4 they had actually told Québec that: they're not
5 allowing the issuance of these vacation lots
6 anymore. They feel that it's an encroachment on
7 their rights and their title to the territory,
8 because, even though we are consulted, there --
9 we're not accommodated, in the sense that these
10 camps are being placed in areas that traditional
11 hunting activities take place, fishing, whether they
12 were gathering medicines or they're continually
13 along rivers and areas where there is a high usage
14 that's being identified.

15 And, so, the Chiefs are at a point where
16 they're just...the three communities are at a point
17 where they're just frustrated, and they've taken
18 that position, and we're still in the process of
19 trying to resolve that with Québec, because when the
20 resolution was submitted to them, they merely
21 responded by sending us more consultations.

22 So, it was rather a disregard for the leadership in
23 the communities and their positions on how they
24 plan, they want to use the territory and protect
25 what's left of the territory -- we can go to the

1 next slide.

2 We're talking now, more recently, there has
3 been some development in terms of hydrocarbons in
4 the Gaspésie. In the news, there -- you know, there
5 was protests, there was camps that were set up.
6 The real problem is that: these developers are
7 coming in, and it's not their fault; rather the
8 fault of the Québec government, that they're issuing
9 permits and licenses for work to go ahead and for
10 these exploration periods to take place, but without
11 consulting with the Micmac.

12 So, if you see, back in the -- you know, we go
13 back 100 years, in the 1800s, there was two permits
14 that were out. But if you go forward, you'll see
15 the progression, again, in terms of what is being
16 permitted out, which, as a result, restricts Micmac
17 from accessing the territory in those areas.
18 So, when we look at where we're at in 2015, we're up
19 to 254, but you see the area covered in green is:
20 the permanent area. So, those areas are given to
21 developers to go in and do their exploration. So,
22 another imposition on the territory without
23 consultation to the Micmac.

24 **Mme MANON JEANNOTTE:**

25 Alors, je vais reprendre la parole. Merci, Terri

1 Lynn.

2 **Mme TERRI LYNN MORRISON:**

3 Hum, hum.

4 **Mme MANON JEANNOTTE:**

5 Est-ce que je suis à « On »?

6 **Mme TERRI LYNN MORRISON:**

7 Yeah.

8 **Mme MANON JEANNOTTE:**

9 Oui, oui? O.K.

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1 **CHEF MANON JEANNOTTE :**

2 On voulait vous démontrer la -- ce qui se passe sur
3 notre territoire, parce qu'on trouve important, et
4 je fais -- je vais faire référence à plusieurs
5 articles, je les lirai pas, mais à plusieurs
6 articles de la Déclaration des Nations unies sur les
7 droits des peuples autochtones, parce que,
8 justement, dans ces articles-là, ça vient expliquer
9 nos droits, surtout en lien avec le territoire et le
10 fait que les États doivent en prendre en compte.
11 Alors, c'est important qu'on le souligne, puis je
12 trouve que c'est important que le gouvernement du
13 Québec embarque dans ça, embarque dans la
14 Déclaration, surtout quand qu'on pense que la Ville
15 de Val-d'Or a signé une résolution au niveau de leur
16 conseil pour dire : ils supportent, puis ils vont
17 l'appliquer, puis ils vont faire -- ils vont la
18 mettre de l'avant.

19 La Ville de Montréal vient de faire la même
20 chose : je m'attends à ce que le gouvernement du
21 Québec fasse la même chose. Surtout que, dans les
22 lettres-mandats, le premier ministre Trudeau avait
23 demandé à la ministre Bennett, vraiment, de mettre
24 en application la Déclaration des Nations Unies sur
25 les droits des peuples autochtones et on parle de

1 décoloniser la plupart des projets de loi au Canada.
2 On espère que le Québec va suivre dans ce même sens-
3 là. Alors, on demande que ça soit respecté.
4 Je lirai pas les articles. Il y en a plusieurs, et,
5 la plupart des articles, là, vraiment, ils sont
6 vraiment en lien avec l'utilisation du territoire,
7 et ce que le Québec devrait faire -- bien de... Pour
8 moi, ce que le Québec devrait faire, mais ce que la
9 -- le Canada devrait faire.

10 Alors, j'espère que... J'ai mis, dans les
11 documents, cette déclaration-là en électronique.
12 Alors, j'y fait référence dans ma présentation, et
13 vous aurez la Déclaration comme telle dans les
14 pièces jointes en format électronique.

15 **Me CHRISTIAN LEBLANC:**

16 C'est exact, Monsieur le Commissaire. En fait, on
17 pourrait le faire immédiatement : déposer le
18 PowerPoint sous la cote P-050. Donc, la
19 présentation. Donc, même les articles ou les
20 paragraphe que vous avez pas lus feront partie de
21 la preuve.

22 Et la Déclaration des Nations unies sur les
23 droits des peuples autochtones sera déposée sous la
24 cote 0 -- pardon : P-051.

25 C'est exact, Madame la Greffière? Merci.

1 **Mme MANON JEANNOTTE :**

2 Merci beaucoup.

3 **Me CHRISTIAN LEBLANC :**

4 Ça fait partie de la preuve, maintenant.

5 **Mme MANON JEANNOTTE :**

6 Alors, je vais terminer par l'article 43, qui dit
7 que :

8 « Les droits reconnus dans la présente Déclaration
9 constituent les normes minimales nécessaires à la
10 survie, à la dignité et au bien-être des peuples
11 autochtones du monde ».

12 Alors, je pense que c'est important que le
13 gouvernement du Québec, vraiment, emboîte le pas et
14 respecte la Déclaration des Nations unies sur les
15 droits des peuples autochtones.

16 Alors, j'ai... Petit -- c'est un peu ce que je
17 viens de résumer en mes mots, là. C'est vraiment la
18 progression des 25 dernières années, l'utilisation
19 de notre territoire par le Québec qui nous agresse
20 un peu, et on vous demande -- on demande au Québec
21 de vraiment appliquer la Déclaration.

22 Et, aussi, au niveau du -- de l'attribution des
23 budgets, qui a eu -- nous espérons que le nouveau
24 plan d'action gouvernemental pour le développement
25 social et culturel mis de l'avant dans le budget

1 2017 pourra être profitable pour nous dans les
2 volets de culture et langues autochtones.
3 C'est là, mais c'est, comme j'ai dit tantôt, des
4 fois, les budgets sont là : quand qu'on arrive pour
5 faire les demandes, les réponses sont différentes
6 des budgets annoncés ou du programme annoncé.
7 Alors, nous souhaitons que ça va être profitable,
8 vraiment, que ça pourra être appliqué à nous, et...
9 Je fais un petit statement, ici, qui va peut-être
10 être un peu difficile, mais : le gouvernement du
11 Québec parle -- le Secrétariat aux affaires
12 autochtones nous attribue des enveloppes en
13 développement économique, mais si on considère
14 l'exploitation des ressources naturelles du
15 territoire québécois, non cédés, des peuples
16 autochtones, les redevances qu'on devrait avoir, ce
17 qu'on a comme enveloppe budgétaire attribuée, c'est
18 minime.

19 Ça fait que, si, demain matin, on disait --
20 puis on utilise tous les articles des lois, si on
21 utilise ça, puis on va plus loin, on va à la Cour
22 interaméricaine ou on se rend à la Cour
23 internationale, ça pourrait faire -- pour faire
24 appliquer nos droits, faire appliquer les lois,
25 faire appliquer nos droits, peut-être qu'un moment

1 donné, on pourrait avoir les redevances nécessaires.

2 Mais, jusqu'à présent, on va plutôt -- on est
3 bons joueurs. Je trouve qu'on est bons joueurs,
4 puis qu'on demande à la province et au Canada de
5 s'asseoir avec nous et de discuter, et qu'on demande
6 d'avoir une ouverture, autant au niveau du Québec
7 que du Canada, pour essayer de s'entendre avec nous,
8 au lieu de toujours aller par la voie des tribunaux.
9 Malgré que, souvent, on réalise que la voie des
10 tribunaux -- par la voie des tribunaux, c'est là
11 qu'il y a les plus grandes avancées au niveau
12 autochtone.

13 Mais on met des processus de l'avant, comme des
14 négociations. Alors, tant qu'à s'asseoir pendant dix
15 ans, pendant 20 ans, à une table de négociation, on
16 pourrait-tu avoir, au bout de la ligne, une entente
17 qui est gagnant-gagnant pour tout le monde, des deux
18 côtés? Au lieu de se retrouver encore dans les
19 tribunaux, que ça coûte de l'argent des deux côtés
20 des parties, un moment donné... Si on met un
21 processus de l'avant, comme une table de
22 négociation, bien, on s'attend à ce qu'il y ait un
23 résultat à la fin de la ligne.

24 Nous, Gespeg, on a été en négociation plus de
25 dix ans. C'est sûr que le gouvernement du Canada,

1 qui a mis fin à notre table de négociation, mais je
2 vous dirais que, parfois, les discussions avec le
3 Québec, c'était pas facile et, souvent, le Québec,
4 quand qu'on parle de territoire, voudra pas
5 nécessairement attribuer des terres au bénéfice de
6 la communauté.

7 Alors, c'est d'être bons joueurs puis d'être
8 ouverts à être capables d'avoir une entente.

9 Alors, sur ce, je vais vous dire welaliog et merci.
10 Et une de mes collègues m'a envoyé ce petit texte,
11 que j'ai mis, intégral. C'est une huronne-wendat,
12 mais qui travaille pour nous, à Gespeg, alors elle
13 dit :

14 « À Gespeg, nos mocassins ont beaucoup voyagé pour
15 notre survie. Nos mocassins continuent de voyager
16 pour se faire entendre, se faire reconnaître et
17 continuer pour notre survie. Le cuir de nos
18 mocassins est solide. Nos mocassins vont continuer
19 de voyager afin qu'un jour, nous puissions avoir les
20 retombées souhaitées pour Gespeg et pour la Nation
21 Micmac du Québec. Je vous remercie d'avoir pris le
22 temps de nous écouter ».

23 **Me CHRISTIAN LEBLANC :**

24 Alors, vous permettez...

25 **LE COMMISSAIRE :**

1 Est-ce que vous avez des questions?

2 **Me CHRISTIAN LEBLANC :**

3 Oui. Peut-être quelques questions de précision que
4 j'avais notées au début, je -- avant que je les pose
5 au fur et à mesure.

6 J'essaie, peut-être, de comprendre plus
7 précisément, là : votre -- vos sources de revenu,
8 vous avez parlé d'activités commerciales. Donc, si
9 je comprends bien, des entreprises génèrent des
10 revenus, des entreprises, donc, qui appartiennent à
11 la communauté génèrent des revenus et ces revenus
12 commerciaux-là vous servent à financer les
13 programmes, là, auxquels vous avez fait référence.

14 **Mme MANON JEANNOTTE :**

15 C'est ça. Nous, c'est, dans le fond, c'est Gespeg
16 qui est propriétaire des entreprises. La plus... La
17 plus grande entreprise qu'on a découle de l'arrêt
18 Marshall, en 2000, 99, 2000, avec nos bateaux de
19 pêche. C'est les bateaux de pêche qui fait qu'on a
20 un bon revenu.

21 On a des revenus de la foresterie, aussi, on --
22 c'est... Dans le fond, c'est : le gouvernement de
23 Gespeg a des départements -- département de
24 Foresterie, département des Pêches et département
25 Touristique et Culturel. Ces trois entreprises-là

1 gènèrent des revenus, quoi que l'entreprise
2 touristique et culturelle est déficitaire, mais on
3 choisit de la garder ouverte pour la promotion de --
4 pour faire connaître à...

5 **Me CHRISTIAN LEBLANC:**

6 Oui, l'éducation populaire, puis la...

7 **Mme MANON JEANNOTTE:**

8 C'est ça. Oui.

9 **Me CHRISTIAN LEBLANC:**

10 ... promotion de la culture...

11 **Mme MANON JEANNOTTE:**

12 Oui.

13 **Me CHRISTIAN LEBLANC:**

14 ... puis les traditions.

15 **Mme MANON JEANNOTTE:**

16 Oui.

17 **Me CHRISTIAN LEBLANC:**

18 Et, vous, compte tenu -- je regardais votre
19 graphique sur la répartition de votre -- de vos gens
20 sur le territoire. Donc, on pourrait dire : presque
21 moitié-moitié, là...

22 **Mme MANON JEANNOTTE:**

23 Oui.

24 **Me CHRISTIAN LEBLANC:**

25 ... une concentration de gens près de Gaspé et une

1 concentration de gens dans la région de Montréal.

2 **Mme MANON JEANNOTTE :**

3 Oui.

4 **Me CHRISTIAN LEBLANC :**

5 Vous avez... Vous avez parlé de programmes
6 d'éducation, de santé, chasse, pêche, culture.
7 Donc, vous offrez des services à...

8 **Mme MANON JEANNOTTE :**

9 Aux deux.

10 **Me CHRISTIAN LEBLANC :**

11 Aux deux?

12 **Mme MANON JEANNOTTE :**

13 Ça a pas d'importance où est-ce que tu es.

14 **Me CHRISTIAN LEBLANC :**

15 O.K., donc, est-ce que...

16 **Mme MANON JEANNOTTE :**

17 Que...

18 **Me CHRISTIAN LEBLANC :**

19 ... vous avez des points de service satellites à
20 Montréal, à ce moment-là?

21 **Mme MANON JEANNOTTE :**

22 On en avait un qui -- qu'on devait payer. Puis, ça,
23 c'est une autre chose : nous, Gespeg, on s'identifie
24 pas nécessairement au Centre d'amitié autochtone.
25 On a... Il y a certains membres de notre communauté

1 qui bénéficient de certains services, mais on a
2 ouvert notre propre bureau à Montréal, on l'a eu
3 ouvert pendant presque dix ans. On l'a fermé, parce
4 que c'était tout le temps aux frais -- c'est tout le
5 temps nous qui payons. Puis, au début, on n'avait
6 même pas accès aux subventions du Secrétariat aux
7 affaires autochtones, parce que tout ce qui est
8 « urbain » est dédié...

9 **Me CHRISTIAN LEBLANC :**

10 Au Centre d'amitié autochtone.

11 **Mme MANON JEANNOTTE :**

12 ... au Centre d'amitié. Mais, nous on cadre pas là-
13 dedans. Nous, puis nos gens... Ça fait que, nous,
14 on avait un bureau satellite à Montréal, payé par
15 Gespeg, au bénéfice des gens de Gespeg, mais ça
16 devenait un -- un, trop lourd au niveau monétaire
17 et; deux, notre bureau satellite était rendu trop
18 petit. Alors, là, il faudrait regarder pour en
19 avoir un plus grand, quelque chose de différent, et
20 il était au deuxième étage, sans ascenseur. On a dû
21 le fermer. Mais on aimerait en ouvrir un autre.

22 **Me CHRISTIAN LEBLANC :**

23 Mais le problème que vous soulevez ou la situation
24 que vous soulevez par rapport à l'utilisation des
25 services offerts par les Centres d'amitié

1 autochtone, c'est un problème de statut ou c'est un
2 problème -- où c'est plus que vos gens se retrouvent
3 pas...

4 **Mme MANON JEANNOTTE :**

5 Non, ils se retrouvent pas.

6 **Me CHRISTIAN LEBLANC :**

7 O.K.

8 **Mme MANON JEANNOTTE :**

9 Puis ça a toujours été : ...

10 **Me CHRISTIAN LEBLANC :**

11 C'est à ce niveau-là.

12 **Mme MANON JEANNOTTE :**

13 ... ils se retrouvent pas.

14 **Me CHRISTIAN LEBLANC :**

15 O.K.

16 **Mme MANON JEANNOTTE :**

17 C'est... C'est comme ça. Et les -- il faudrait...

18 Il faut dire que les gens sont pas nécessairement
19 tous sur l'île de Montréal et, des fois, un peu à
20 l'extérieur, et ça prend un point de ralliement qui
21 est pas nécessairement dans le centre-ville. Qui
22 est plus au nord de la ville ou à l'est. Les Centre
23 d'amitié sont plus dans l'ouest ou dans le centre-
24 ville. Ça répond pas à nos besoins.

25 **Me CHRISTIAN LEBLANC :**

1 Ça complète, en ce qui me concerne, Monsieur le
2 Commissaire.

3 **LE COMMISSAIRE :**

4 Maître Coderre? Maître Boucher, Maître Laganière?
5 Est-ce que vous avez des questions?

6 **Me DAVID CODERRE :**

7 J'ai pas de question de mon côté, merci.

8 **Mme MANON JEANNOTTE :**

9 Merci.

10 **Me MARIE-PAULE BOUCHER :**

11 J'ai pas de question moi non plus.

12 **LE COMMISSAIRE :**

13 Non?

14 **Me MAXIME LAGANIÈRE :**

15 Aucune question.

16 **LE COMMISSAIRE :**

17 Aucune question?

18 Alors, ça va être à l'étape où je vais vous
19 remercier d'être venues nous voir, Madame Jeanatte,
20 Madame Morrison. Nous avons été heureux de vous
21 accueillir, de vous écouter.

22 **Mme MANON JEANNOTTE :**

23 Merci.

24 **LE COMMISSAIRE :**

25 J'ai été frappé par certaines de vos remarques, de

1 vos commentaires. Je pense, entre autres, quand je
2 vous entendez raconter que votre père devait s'asseoir
3 sur la dernière rangée à l'école.

4 **Mme MANON JEANNOTTE :**

5 Oui.

6 **LE COMMISSAIRE :**

7 Ça nous rappelle ce que les Afro-américains ont pu
8 vivre, vivent peut-être encore. On se souvient des
9 luttres qui ont eu lieu...

10 **Mme MANON JEANNOTTE :**

11 Hum, hum.

12 **LE COMMISSAIRE :**

13 ... les toilettes pour les Noirs, pour les Blancs,
14 ces choses-là. Ça...

15 **Mme MANON JEANNOTTE :**

16 Oui.

17 **LE COMMISSAIRE :**

18 C'était un vrai régime de ségrégation. Ça... Ça
19 heurte d'entendre ça, c'est le moins que je puisse
20 dire.

21 J'ai aussi -- bien, il y a plusieurs choses qui
22 m'ont frappé : l'éducation. Évidemment, vous -- ça
23 fait pas partie du mandat comme tel, mais j'ai déjà
24 mentionné que la formation des gens qui œuvrent dans
25 les services publics visés par l'enquête nous

1 concernent, définitivement, et je me suis permis
2 d'émettre l'idée que les gens sortaient pas d'une
3 feuille de chou, en arrivant dans les services
4 publics, et que l'éducation reçue pendant leur
5 formation, depuis la tendre enfance, pouvait peut-
6 être avoir une incidence. Alors, ça m'a frappé,
7 quand vous racontez votre fille qui, qui entend, à
8 l'école, des choses qui...

9 **Mme MANON JEANNOTTE :**

10 Oui.

11 **LE COMMISSAIRE :**

12 ... qui heurtent ses propres connaissances.
13 La santé. Les difficultés au niveau de la
14 pharmacie, entre autres.

15 **Mme MANON JEANNOTTE :**

16 Oui.

17 **LE COMMISSAIRE :**

18 Vous retrouvez entre deux chaises au niveau des
19 médicaments. Je l'ai noté. Le transport, les
20 difficultés que vous avez.
21 Bref, je comprends que c'est pas toujours facile
22 dans...

23 **Mme MANON JEANNOTTE :**

24 Non.

25 **LE COMMISSAIRE :**

1 ... chez la Nation micmaque à Gespeg. Alors, on en
2 a pris note et je pense que Maître Leblanc aussi a
3 pris des bonnes notes là-dessus. On vous remercie.
4 Puis, il y a certains sujets auxquels Maître Leblanc
5 référait que vous...

6 **Mme MANON JEANNOTTE :**

7 Oui.

8 **LE COMMISSAIRE :**

9 ... sur lesquels vous pourriez, avec votre bureau
10 administratif, nous transmettre d'autres
11 renseignements, de façon à compléter...

12 **Mme MANON JEANNOTTE :**

13 Oui, ça va me faire plaisir.

14 **LE COMMISSAIRE :**

15 Bref, c'est important. On a besoin de savoir ce qui
16 se passe, pourquoi ça se passe comme ça, puis
17 essayer de voir si on peut améliorer.

18 **Mme MANON JEANNOTTE :**

19 Parfait.

20 **LE COMMISSAIRE :**

21 Alors, je vous remercie encore une fois d'être
22 venues...

23 **Mme MANON JEANNOTTE :**

24 Merci à vous.

25 **LE COMMISSAIRE :**

1 ... et, si vous avez des bonnes idées pour...

2 **Mme MANON JEANNOTTE**

3 Oui.

4 **LE COMMISSAIRE :**

5 ... des suggestions et peut-être qu'éventuellement,
6 passer à l'étape d'un mémoire? Les suggestions et
7 recommandations nous seront, sans doute, très
8 utiles...

9 **Mme MANON JEANNOTTE :**

10 Oui.

11 **LE COMMISSAIRE :**

12 ... au fil des travaux de la Commission. Alors,
13 merci encore, et bon voyage de retour.

14 **Mme MANON JEANNOTTE :**

15 Merci beaucoup à vous.

16 **LE COMMISSAIRE :**

17 On va suspendre...

18 **LA GREFFIÈRE :**

19 Oui.

20 **LE COMMISSAIRE :**

21 ... avant de passer au témoin suivant. Ça va?

22 **LA GREFFIÈRE :**

23 Une quinzaine de minutes?

24 **LE COMMISSAIRE :**

25 C'est avec Maître Barry-Gosselin.

1 **Me CHRISTIAN LEBLANC :**

2 Peut-être qu'on peut prendre -- je vous suggère
3 15 minutes, Monsieur le Juge.

4 **LE COMMISSAIRE :**

5 Oui.

6 **Me CHRISTIAN LEBLANC :**

7 Il est moins quart. Le prochain témoin est prévu à
8 11 h, alors, on est pile dans les temps.

9 **LE COMMISSAIRE :**

10 O.K. Ça va bien. Merci beaucoup.

11 **LA GREFFIÈRE :**

12 Alors, veuillez vous lever, suspension de
13 l'audience, 15 minutes.

14 SUSPENSION

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1 REPRISE

2 **LE COMMISSAIRE :**

3 Alors, Maître Barry-Gosselin, vous remplacez ou vous
4 prenez la suite de Maître Leblanc?

5 **Me MARIE-JOSÉE BARRY-GOSSELIN**

6 **ADJOINTE AU PROCUREUR EN CHEF :**

7 En fait, nous serons deux, avec Maître...

8 **LE COMMISSAIRE :**

9 Deux, non, oui... Maître Denis-Boileau.

10 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

11 ... Denis Boileau, Monsieur le Commissaire, et
12 Maître Denis -- Marie-Andrée Boileau sera en charge
13 de la présentation, je suis ici pour l'accompagner.
14 Merci.

15 **LE COMMISSAIRE :**

16 Très bien. Et quant aux autres procureurs, nous
17 avons : Maître Boucher, Maître Coderre...

18 **Me DAVID CODERRE :**

19 Rebonjour.

20 **LE COMMISSAIRE :**

21 ... Maître Laganière. Les mêmes, toujours présents.

22 Alors, bienvenue aussi.

23 Alors, je vous laisse aller.

24 **Me DENIS BOILEAU :**

25 So, today, we will be hearing Mister Donald

1 Nicholls, Director of the Department of Justice and
2 Correctional Service for the Cree Nation Government,
3 he is with Maître Denis Blanchette, who is a lawyer
4 at Gowling WLG law firm.

5 So, we can start, maybe, by "assermenter" the
6 witness -- sorry, I don't know the English word.

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1 DONALD NICHOLLS
2 Director of Justice and Correctional Services, Cree
3 Nation Government

4 ASSERMENTÉ

5

6 DENIS BLANCHETTE
7 Avocat, firme Gowling WLG

8 ASSERMENTÉ

9 -----

10 **LE COMMISSAIRE :**

11 SO welcome, both of you.

12 I'll let you go, Maître Denis Boileau.

13 **Me DENIS BLANCHETTE :**

14 So, Me Nicholls, you can present us, the Department
15 of Justice and Correction Services of the Cree
16 Nation. Thank you.

17 Very good. These are... They're already on?

18 **UNE VOIX MASCULINE INCONNUE :**

19 Yeah.

20 **UNE VOIX FÉMININE INCONNUE :**

21 Yes, they are.

22 **M. DONALD NICHOLLS :**

23 Yes, perfect. Thank you.

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1 **M. DONALD NICHOLLS:**

2 Well, thank you for having me today, to make this
3 presentation before the Commission of Inquiry.

4 Joining me, as mentioned, will be Denis Blanchette,
5 who's a member of our Judicial Advisory Committee
6 and close legal counsel with our department that we
7 work with regularly. So, during the presentation,
8 we'll be sharing some of it. Very good.

9 All right.

10 On June 14, 2007, former Grand Chief Doctor
11 Matthew Coon Come and Cree representatives presented
12 before this Commission an initial brief on the Grand
13 Council of the Crees and the Cree Nation Government.
14 The initial brief presented an introduction to the
15 Cree Nation and provide an overview of Cree
16 governance and some key areas and Cree entities
17 concerned by this Commission, including the Cree
18 Nation Government Department of Justice and
19 Correctional Services.

20 The purpose of this present brief by the
21 Justice Department is to present a more specific
22 perspective on certain issues related to justice and
23 correctional services that are delivered to the
24 Crees. This brief an intended to be read in
25 conjunction with and as a complement to the initial

1 brief.

2 The brief begins with an overview of a special
3 context regarding the administration of justice for
4 the Crees in Eeyou Istchee. In this regard, it will
5 be helpful, we'll go through a few key provisions of
6 the James Bay and Northern Québec Agreement and, to
7 recall the context of more recent of implementation
8 of some of these provisions.

9 The brief presents the Justice Department and
10 describes some of its main programs, activities,
11 achievements to date and, then, it touches on
12 certain issues with the Justice Department and
13 considers it to be relevant to the work relevant to
14 the work of this Commission and offers certain
15 observations in the path for to help address these
16 issues.

17 Finally, the brief will describe the Cree
18 experience and services provided to the Crees by the
19 Crees themselves, who speak and know the Cree
20 culture and traditions, it provides examples of
21 collaborations between justice, social and youth
22 protection services, which can serve as a useful
23 model in addressing some of the issues before this
24 Commission.

25 In 1975, the James Bay and Northern Québec

1 Agreement, the Government of Québec made a
2 commitment to work closely with the Crees and to
3 take into account Cree values, Cree ways of life in
4 the administration of justice for the Crees. Unlike
5 many First Nations who maintain virtually exclusive
6 relations with the federal government, the Crees of
7 Eeyou Istchee accepted, as a form of the JBNQA or
8 the James Bay and Northern Québec Agreement of 1975,
9 to work collaborately with Québec and to work within
10 the framework of Québec laws and institutions,
11 including with regard to the administration of
12 justice.

13 Cree Nation government has built justice
14 facilities in all of the Cree communities, which
15 housed, every year, 150 days of regular hearings of
16 the Court of Québec and the Superior Court of
17 Québec. In addition to these regular hearings, we
18 have approximately 90 days of hearings that are held
19 each year by video-conference involving Youth
20 Protection. The recent installation of the video-
21 conferencing helps to reduce cost of the justice
22 system overall, as well to policing and youth
23 protection services, and it also reduces the
24 hardship on families requiring to travel outside of
25 the territory for these types of hearings.

1 The provisions of the JBNQA -- the provisions of the
2 James Bay and Northern Québec Agreement related to
3 court -- you can go straight to...

4 **VOIX MASCULINE NON IDENTIFIÉE :**

5 Yes.

6 **Me DENIS-BOILEAU:**

7 Go right there? Okay.

8 So, right now, we'd like to highlight some the key
9 principles and commitments and guarantees provided
10 in Section 18 of the James Bay and Northern Québec
11 Agreement.

12 **Me DENIS BLANCHETTE:**

13 Okay, in -- I'm going to do this part.

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1 **Me DENIS BLANCHETTE:**

2 And we're just going to take you through some of the
3 key provisions. For those you familiar with the
4 James Bay Agreement, and Section 18 in particular,
5 you know that there's probably about four or five
6 pages of guarantees, key provisions and modalities.
7 But, here, really, we're trying to exact the most
8 key provisions.

9 We'll go through them, because we think it's
10 important to set the context of what was discussed
11 back in 1975, and we think that these provisions
12 were quite forward looking at that time and they're
13 still very much relevant today.

14 We'll start with Section 18.0.7, which talks
15 about the judges, the judges and other persons in
16 the judicial district of Abitibi and going in the
17 Cree communities that have to be cognizant with the
18 usage, the customs and psychology of the Crees, so,
19 it involves training, and ongoing training, in fact.
20 18.0.9 talks about of the peace, preferably Crees:
21 so, Crees have to be trained and, eventually
22 qualified to become justices of the peace, to be
23 appointed, by the government, to deal with
24 infractions local bylaws.

25 18.0.15:

1 “The rules of practice for the ‘judicial district of
2 Abitibi’ must take into account the particular
3 circumstances of the district, the customs, usage
4 and way of life of the Crees in order to facilitate
5 the administration of justice and to render justice
6 more accessible to the Crees”.

7 Then, 18.0.29 talks about a government,
8 federal, Québec, getting together in helping and
9 engaging with the Crees, working in collaboration
10 with the Crees to develop a number of things.
11 So, the thing that we’d like to bring to your
12 attention in d): “the facilities to be provided for
13 detention, training and rehabilitation of young Cree
14 offenders”, right;
15 e), we talk about houses, refuge for women,
16 institution for women, other institutions for
17 training, rehabilitation and re-adaptation of
18 persons detained, to be again provided for the
19 Crees;
20 f) “special rehabilitation programs be -- should be
21 created for the treatment, training and
22 rehabilitation of detained Crees taking into account
23 the age and conditions of these persons detained, as
24 well as their way of life and their culture”;
25 and, finally: “special programs, both during

1 detention and after release, should be created in
2 order to facilitate the rehabilitation, the return
3 of the Crees to their families and communities.
4 18.0.30 speaks about "probation, parole,
5 rehabilitation and aftercare services that have to
6 be provided to Crees, in the Cree language, taking
7 into account their culture and way of life".
8 18.0.32: "Presiding judge of courts traveling in the
9 communities, in the Cree communities, shall have
10 available, when necessary or when appropriate,
11 probation officers, preferably Crees, trained for
12 and cognizant of the problems in the said judicial
13 district and problems concerning the Crees".
14 18.0.33: "In order to ensure that Cree people do not
15 misunderstand intervention of the judicial authority
16 or of the legal system, Crees will receive special
17 training to act as information officers and will be
18 stationed in the Cree communities".
19 18.0.34: "The Crees will be recruited, trained and
20 hired in order to assume the greatest number
21 possible of positions in connection with the
22 administration of justice in the territory".
23 18.0.35: "Information programs shall be established
24 and financed by Quebec to help Crees understand the
25 law, to train court workers and detention liaison

1 officers in order to help Crees obtain legal advice
2 and to assist them in all of the phases of the
3 judicial process and to give the Cree communities
4 information concerning the law.

5 18.0.36: "Programs must be provided for non-Native
6 persons, of non-Crees, engaged in the various
7 aspects of the judicial and legal system of the said
8 district so that such persons are familiar with the
9 language, customs, the needs and the aspirations of
10 the Crees".

11 And, finally, the judicial advisory committee
12 should be established, and that's a committee formed
13 of Cree and Québec representatives, that committee
14 should be financed by Québec and it should be
15 established, in principle, after the execution of
16 the agreement, so back in 1975, it should have been
17 established.

18 "It should be composed of different representatives
19 -- Québec and the Crees and other specialists who
20 may be necessary."

21 "The committee shall advise on a permanent basis the
22 authorities with respect to the administration of
23 justice respecting the Crees", in particular:

24 "the participation of Crees in all the phases of the
25 judicial, para-judicial or legal process, including

1 the planning and delivery of judicial services which
2 are destined for the Crees”;
3 “the studies and research projects required to
4 properly implement the provisions of Section 18 of
5 the James Bay Agreement”;
6 “courts, officers and staff required”;
7 “buildings and facilities required”;
8 “the laws from time to time required or their
9 amendment in order to give effect to the provisions
10 of Section 18”;
11 “establishment of more frequent and more systematic
12 communications with the Crees”;
13 and, finally: “the establishment of a system of
14 legal education, information and discussion with the
15 Crees”.

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1 **M. DONALD NICHOLLS:**

2 So, as a path forward to address some of the issues
3 relevant to the work of this Commission, the
4 Government of Québec, we believe, should fully
5 implement provisions of Section 18 of James Bay and
6 Northern Québec Agreement mentioned above,
7 particularly with the obligations that remain
8 outstanding.

9 For example: the more training on Cree values
10 and way of life must be provided to members of the
11 judiciary, the probation officers and to any non-
12 Crees engaged in various aspects of the judicial or
13 legal system. Probation and parole, rehabilitation
14 and after-care-services should be provided to the
15 Cree in the Cree language and taking account their
16 culture and their way of life, and Cree should be
17 recruited, trained and hired in order to assume the
18 greatest number possible of positions in connexion
19 with the administration of justice.

20 Like many other sections of the James Bay and
21 Northern Québec Agreement, Section 18 only began to
22 be more fully implemented recently. In the past,
23 there was relations with Québec and the Cree that
24 were difficult in the 90s and 80s for various
25 reasons, but these disputes gave rise to (inaudible)

1 legal proceedings between the Crees and Québec, but
2 mostly were resolved in 2002 with the signing of the
3 Paix des Braves, which was Nation to Nation
4 agreement between the Crees and Québec.

5 Under the Paix des Braves, a commitment was
6 made to resolve, between the Cree Nation and Québec,
7 their differences related to the implementation of
8 Section 18, and this led to the signing of, by
9 Québec and the Crees, on May 30 of 2007, of the
10 agreement concerning the administration of justice.
11 Québec confirmed this commitment to work in
12 collaboration with the Crees to ensure
13 implementation of Section 18 and, through this
14 agreement, the Crees and Québec had confirmed the
15 roles and responsibilities in a spirit of
16 collaboration.

17 In 2008, Canada made a similar commitment with
18 respect to certain matters involving Canada in
19 Section 18 of the James Bay and Northern Québec
20 Agreement.

21 Therefore, we have much more needed resources
22 to facilitate and improve the administration of
23 justice for the Crees, in the Cree communities, and
24 to ensure a greater collaboration between both the
25 Crees and the government in the justice and

1 correction systems.

2 In particular, the signature of the Québec and
3 Cree Nation established the Cree-Québec Judicial
4 Advisory Committee, under Section -- as mentioned
5 under 18.0.37 of the James Bay and Northern Québec
6 Agreement, each party has appointed his
7 representatives, as Mister Blanchette has indicated,
8 and representatives are comprised of officials from
9 the Ministry of Justice, Ministry of Public Security
10 and a Secretariat for the Aboriginal Affairs.
11 Representatives of the Cree Nation Government
12 include members from the different Cree communities,
13 including from the leadership and the executive
14 committee of the Grand Council of the Crees, as well
15 the Deputy Grand Chief, and these individuals
16 acknowledged an interest of -- in the justice and
17 correction system as well.

18 The Cree judicial -- Cree-Québec Judicial
19 Advisory Committee represents an important form
20 between Québec and the Cree Nation to formulate
21 recommendations on the implementation of Section 18
22 of the James Bay and Northern Québec Agreement: the
23 allocation of resources, the development of
24 priorities and strategies, and the development of
25 programs and services, and other initiatives in the

1 area of justice and corrections for the Crees. The
2 Cree Judicial -- Cree-Québec Judicial Advisory
3 Committee provides an example of collaboration
4 between the Government of Québec and First Nations,
5 what could serve as a model for other regions.
6 The Justice Agreement provided, in 2007, for
7 resources for the Cree Nation to establish a
8 Department of Justice and Correctional Services.
9 When fully staffed, the Department comprises over 50
10 employees and professionals, including a director, a
11 coordinator of programs, a coordinator of justice, a
12 correct of corrections, community -- nine community
13 justice officers, court liaison officers, justice
14 administrator, corrections administrator, program
15 administrator, prevention program administrators,
16 specialists in detention environment, nine community
17 reintegration officers, a correctional release
18 worker, three Cree-Québec officers, prevention
19 program officers, native para-judicial court
20 workers, primary youth workers, prevention program
21 assistance, administrative assistance, receptionist,
22 a coordinator of alternative programs, a resource
23 administrator, a department psychologist and program
24 specialist.

25 Over the years, the Department of Justice and

1 Correctional Services established various programs
2 and carried out projects and initiatives in the
3 areas of the crime prevention, youth engagement,
4 corrections rehabilitation, conflict resolution and
5 legal information and training.

6 Examples of such programs and activities
7 include the following: a Cree "Stop Now and Plan
8 Program" that works with children, age of six to 11,
9 in all of the Cree schools; "Alternative to
10 Suspension Program", a Cree one that works in three
11 of the larger Cree communities and will expand to
12 other communities; a mindfulness martial arts
13 program, which works with children that have
14 learning disabilities; we also do a Time Horton's
15 camp, "We Days", "Take Action Camps", "Challenge
16 Days", and work closely with YMCAs of Québec
17 programs. We've had "Hear, Listen Now and
18 Understand" conference, a domestic violence
19 conference, "Crime Prevention Weeks" in all the Cree
20 communities; we've had "No Such Thing as a Bad Kid"
21 workshops, a "Record Suspension Program" for former
22 offenders, we've initiated a long-term project on
23 creating a glossary of legal terms in the Eeyou-Innu
24 language, which is to assist the court and assist
25 the correction system to better communicate with

1 Cree clients in a clearly manner, as we've had a
2 number of issues arise with translation in a very
3 complex system. We have done legal information
4 workshops in the Cree communities and we prepare a
5 very large number of Gladue reports every year.
6 In addition to its own programs and projects, each
7 yeah, the Justice Department sets aside funds to
8 support local and regional projects and activities
9 through a crime Prevention Fund, a Corrections Fund
10 and a Youth Engagement Fund.

11 These projects and activities are mostly
12 carried out by Cree communities, local justice
13 communities or local or regional partners and
14 stakeholders. The Justice Department has helped the
15 Cree communities establish their own local justice
16 committees and it works with regional partners and
17 governments and authorities on a wide-range of
18 projects and services that can be handled locally
19 within the community.

20 For example, we have also -- the Justice
21 Department is also responsible for the Assistance
22 Program for Victims of Crime or CAVAC in the Cree
23 communities.

24 Over year -- over the years, given the lack of women
25 shelters and related programs and services in Eeyou

1 Istchee, a number of Cree women had been obliged to
2 seek shelter elsewhere in, than the Cree
3 communities, including in Val-d'Or and Montréal.
4 The Cree Nation Government Commission Reports
5 carried out consultation and formed group -- working
6 groups in partnership with regional and government
7 stakeholders to take into account best practices.
8 These women shelters will provide essential services
9 to Cree women and will reduce vulnerability of those
10 who would otherwise seek protection or seek services
11 outside the Cree Nation.

12 The construction of the women shelters in now
13 completed and the official opening will be on
14 September 25th, in Waswanipi, and shortly thereafter
15 in -- we're looking at the end of the year, in
16 December, the Waskaganish Women Regional Women
17 Shelter will also be open.

18 The youth facility, we're also engaged with the
19 Cree Health Board and the Government of Québec to
20 build a youth facility, which will be a part of a
21 larger plan, which will include a group home, a camp
22 for bush programs and healing homes. These services
23 will be provided by the youth facility and will be
24 adapted to the different youth clientele, including
25 boys, girls and youth subject to various measures

1 under the Youth Protection Act or the Youth Criminal
2 Justice Act of Canada.

3 The women shelters and the youth facility are
4 both contemplated in Section 18 of the JBNQA or,
5 sorry, the James Bay and Northern Québec Agreement
6 since 1975. Their construction and operation in the
7 Cree communities is now made possible through the
8 efforts of the Justice Department recommendations of
9 the Cree-Québec Judicial Advisory Committee, the
10 partnership with the Cree Health Board and Cree
11 First Nations, and resources provided by the Justice
12 Agreement.

13 These are examples that illustrate the kind of
14 achievements that had been made possible by
15 partnership between Québec and the Crees in matters
16 related to justice and correctional services by
17 recent commitment of Québec to fulfill -- more fully
18 implement Section 18 of the James Bay Agreement.

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1 **Me DENIS BLANCHETTE :**

2 Although progress has been made in certain areas,
3 much more work is required in order to fully address
4 the issues that are under review by this Commission,
5 particularly the prevention and elimination of any
6 form of violence or discrimination in providing
7 publics, including justice and correctional services
8 to the Indigenous People of Québec.

9 This will require the continued commitment and
10 support from the government of Québec, as well as
11 collaboration between Indigenous and non-Indigenous
12 agencies involved in providing services to
13 Indigenous people.

14 Now, the Justice Department would like to offer
15 certain specific observations as a path forward to
16 help address issues in certain areas. We have
17 chosen four areas -- look at paragraph 33 of the
18 brief. It's not to say that these are the only
19 areas, but, certainly these are four areas that
20 require, perhaps, additional attention, and, also,
21 we picked on those, because they provide an
22 opportunity to showcase some concrete measures that
23 can be very short term and that can be very
24 immediate, with an impact that can be felt
25 immediately.

1 The first one is CAVAC's services, in general,
2 and we have specific recommendations about this one.
3 And the second one will be: investigations of
4 complaints or allegations of misconduct against
5 police force members and recalling some of the
6 context around the 2015 events in Val-d'Or, and the
7 follow-ups to that.

8 The violence against Indigenous women and
9 sexual exploitation -- it's a big topic, but, again,
10 we have some specific concrete measures about this
11 one.

12 And the last one is about services in the
13 correctional system.

14 So, the first part was more about the context,
15 general context, and, now, we're going into more
16 specific issues here, along these four broad areas -
17 - CAVAC services? Do you...

18 Okay. So, the first one is about the CAVAC
19 services. In Eeyou Istchee, the Justice Department
20 operates the Cree CAVAC, as Mister Nicholls
21 mentioned before, to serve primarily Cree
22 individuals in the Cree communities, and the Cree
23 CAVAC strives to do that, to carry out its functions
24 in a manner adapted to Cree culture and Cree
25 realities or their Cree members of the Justice

1 Department delivering services in Cree to the Crees,
2 in the Cree communities.

3 At the moment, services are provided by three
4 CAVAC officers and they're based in three different
5 Cree communities. These officers, they travel to
6 the other six communities, in total, nine Cree
7 communities, so, they cover the entire territory,
8 inland and on coastal communities, to meet the needs
9 of the victims and their families and witnesses in
10 those communities.

11 More recently, the Justice Department has
12 received an increasing number of request for
13 additional types of services, including mental
14 health support and counselling, which are not
15 currently offered by other entities, such as the
16 Cree Health Board and other partners in the region.
17 This matter was raised with the Cree-Québec Judicial
18 Advisory Committee recently, and the Justice
19 Department is now working with the Government of
20 Québec in trying to find solutions and additional
21 resources, so that Justice Department and Cree CAVAC
22 can address these additional services, over and
23 above those that are usually provided in the legal
24 framework governing the CAVACs in Québec.
25 Provisions of these and other services by Cree CAVAC

1 personnel is particularly important, as the needs
2 and circumstances of vulnerable Indigenous persons,
3 including victims, many of whom are women and girls,
4 require particular sensitivity and often a special
5 approach.

6 The -- following the Val-d'Or events in 2015,
7 the three CAVAC issued a written statement to the
8 other CAVACs in the province, in Québec, offering
9 recommendations in this regard. These
10 recommendations were intended for all the CAVACs in
11 Québec and they propose concrete measures to improve
12 the delivery of CAVAC services to vulnerable
13 Indigenous people, wherever they may be. Because
14 some of the Indigenous people, they don't -- they're
15 not necessary all in the Cree communities: some
16 travel, some are outside for various reasons, in
17 Val-d'Or, in Gatineau, in Montréal and Québec. So,
18 it was important for all the CAVACs, not just the
19 ones in the Cree communities, to be sensitized to
20 some of the realities of these people.

21 So, these recommendations are in the path forward
22 that we present to this Commission -- hum?

23 **M. DONALD NICHOLLS:**

24 (Inaudible). (Inaudible) do that?

25 **Me DENIS BLANCHETTE:**

1 And Monsieur Nicholls will do that. Oui.
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1 **M. DONALD NICHOLLS:**

2 So, we know that, on July 20, 2017, the Québec
3 Minister of Justice announced an amount of 23.8
4 million to be provided in next year -- in this
5 year's budget to support CAVACs and other agencies
6 for the assistant -- to assist victims of crime.
7 An amount of 21.1 million is to be shared among the
8 17 CAVACs, in Québec, of which we are one, to
9 support their day to day operations. Their share of
10 this amount -- with their share of this amount, the
11 CAVACs of Abitibi-Témiscamingue -- so, here, in Val-
12 d'Or, Côte-Nord and Ottawa -- will hire three new
13 resources persons to better meet the needs of
14 victims in Indigenous communities in these regions.
15 Although, this is a step in the right direction,
16 funding should be provided to allow the CAVACs -- to
17 other CAVACs also to better meet the needs of
18 Indigenous or vulnerable populations within their
19 regions.

20 So, on our path forward, these are some of the
21 recommendations that, myself, I made to the Board of
22 Directors of CAVAC, and, so, I'll share them with
23 you today.

24 Additional training should be provided to CAVAC
25 workers throughout Québec to increase awareness and

1 sensitivity to the particular circumstances of
2 Indigenous clients. CAVAC should be able to offer
3 services to Indigenous clients, at least in both
4 French and English, to serve and a broader segment
5 of the Indigenous populations that may not be at
6 ease in only one of these languages.

7 Each CAVAC should ensure that it is able to provide
8 services by a female CAVAC worker, upon request, to
9 promote a safer environment for women that seek
10 support.

11 Each CAVAC should identify the resources in its
12 regions that can provide additional complementary
13 assistance to Indigenous clients, such as Native
14 Friendship Centres.

15 Each CAVAC should begin links in relationships with
16 these organizations and ought to be prepared when
17 the need arises. This could also include linkages
18 with Aboriginal communities or Indigenous
19 communities within their region.

20 A CAVAC working group should be established to
21 identify particular needs and approaches to better
22 serve Indigenous clients. The working group should
23 include Indigenous CAVAC representatives. The
24 Government of Québec should provide sufficient
25 resources to support this working group, including

1 the French-English translation services.

2 Each CAVAC should adopt a protocol to address
3 situations where client alleges that a criminal
4 offence is being committed by a police officer to
5 ensure any criminal complaint is addressed to the
6 appropriate authorities in a timely manner.

7 A critical concern arising from the Val-d'Or events
8 in 2015 relates to -- to the way that the
9 authorities first addressed the allegations of
10 misconduct by the officers of the Sûreté du Québec.
11 These allegations were initially referenced to as:
12 "an internal investigation of the SQ" instead of an
13 outside force of by an independent body.

14 On October 23, 2015, the Grand Council of the Crees
15 of Eeyou Istchee and the Cree Nation Government
16 issued a press release, which stated in part:

17 "It is not an investigation of the SQ in Val-d'Or by
18 their fraternity in the Montréal Police Force that
19 will address this wound. The Cree Nation is of the
20 opinion an investigation by the Royal Canadian
21 Mounted Police would be a more appropriate response,
22 especially in the light of the fact of what has come
23 to light in Val-d'Or, is of national concern".

24 Those responsible for investigating allegations of
25 misconduct by members of the police force must be

1 totally independent from the police force. In other
2 words, the investigating entity and its
3 investigators must be totally separate from the
4 police force, whose members are being investigated.
5 This principle is in line with the recommendation of
6 the Poitras Commission, almost 20 years ago, in --
7 to withdraw the mandate from the SQ to investigate
8 allegations of criminal offences involving its own
9 members.

10 At the time of the Val-d'Or instance, the
11 Bureau des enquêtes indépendantes had already been
12 established under the Police Act, however the BEI
13 was not yet operational, consequently an independent
14 observer was appointed by the Government of Québec
15 to monitor the SPVM investigation into the
16 allegations in an attempt to promote impartiality in
17 the investigation process.

18 It is also essential that additional measures
19 be put in place to ensure Indigenous representation
20 or participation in any investigation regarding
21 alleged criminal offences against Indigenous persons
22 by police force members. This is required to ensure
23 that the investigation is carried out appropriately
24 in light of particular culture, cultural gender or
25 linguistic context of Indigenous persons.

1 Since April 2016, the Native Para-judicial Services
2 of Québec has been working in supporting and
3 accompanying victims who wish to file a complaint
4 against police officers for alleged abused. The
5 Native Para-judicial Services of Québec launched
6 several targeted actions of awareness, including the
7 implementation of an emergency confidential hotline.
8 According to SPEC (ph), calls are increasing
9 monthly.

10 This further demonstrates the need for the
11 government to put in place adequate and permanent
12 mechanisms and structures for Indigenous people to
13 feel safe to file complaints against police, should
14 they arise.

15 In the meantime, actions and measures to assist
16 and accompany Indigenous persons who wish to file a
17 complaint against police officers, such as those
18 initiated by SPEC must be supported -- do you -- or
19 do you want me to?

20 **Me DENIS BLANCHETTE:**

21 Sure, I can do.

22 **M. DONALD NICHOLLS:**

23 Go ahead.

24 -----

1 **Me DENIS BLANCHETTE:**

2 Okay, so, in this second topic, we're building on
3 the presentation now. We have a path forward, so, a
4 number of recommendations, and it goes as follows.
5 And, so, all investigations into allegations of
6 criminal offences involving police force members,
7 including allegations of physical or sexual assault
8 or sexual misconduct by police officers should be
9 conducted by an independent, impartial investigating
10 entity, either by the Bureau des enquêtes
11 indépendantes, as the case may be, or by any other
12 independent entity established specifically for this
13 purpose.

14 In the case of investigations regarding
15 allegations involving a police officer and an
16 Indigenous person, Indigenous participation or
17 representation in investigation is key, it's
18 essential.

19 So, first, this participation could be carried
20 out through an Indigenous person working with the
21 investigation team, such as a civilian, a non-police
22 officer, a former police officer or a police officer
23 with an Indigenous police force, in the case of the
24 Crees, Crees have original police force, the Eeyou
25 Innu Police Force, so, it could be member of that

1 police force.

2 This participation, this Indigenous
3 participation is critical to foster collaboration
4 between the investigation team and the Indigenous
5 communities, and it would help to build mutual
6 understanding and confidence. It could also serve a
7 possible means of insuring liaison with these
8 communities on the status of the investigation.
9 Any investigation involving a police officer and an
10 Indigenous person also need to consider
11 appropriately the particular cultural, gender, and
12 linguistic context of the Indigenous person and any
13 Indigenous witnesses.

14 Now, the three aspects to that, second point:
15 the cultural appropriateness in investigation must
16 go beyond cultural sensitivity. It should include
17 the involvement of appropriate Indigenous
18 individuals with the cultural and linguistic skills
19 required for the investigation -- and as recommended
20 above.

21 Involvement of women investigators to
22 facilitate the participation of Indigenous women, in
23 particular complainants and witnesses, should be
24 encouraged.

25 And, finally, measures should be put in place to

1 provide a holistic, culturally appropriate and safe
2 settings for Indigenous persons who are involved in
3 the investigation, and in order to insure that
4 investigation practices respect and honour
5 Indigenous cultures.

6 Now, the government of Québec should provide
7 the resources, including technical, financial and
8 human resources to ensure the implementation of
9 these recommendations, as soon as possible.

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1 **M. DONALD NICHOLLS:**

2 The formation of -- in the formation of its
3 recommendations on remedial measures to prevent the
4 elimination of any forms of discrimination and
5 violence in the delivery of public services to
6 Québec's Indigenous peoples, the Commission should
7 be aware of and enquire as to the underlined causes
8 of the violence, systemic discrimination and
9 different treatment that Indigenous peoples face, in
10 particular, the Commission should look at the
11 reasons why Indigenous people, especially women, are
12 vulnerable to violence and discrimination.

13 Indigenous women have an overall rate of
14 violence, victimization that is twice as high for
15 Indigenous males, and close to three times as high
16 for non-Indigenous females.

17 Between 1997 and 2014, there were 71 female sex
18 worker victims of homicide who were identified as
19 Indigenous representing 1 in 3 or 34 percent of all
20 female sex worker murder victims.

21 There are various reasons for the higher levels
22 of violence against and sexual exploitation of
23 Indigenous women and girls. Among other, there
24 appears to be a serious lack of recognition and
25 knowledge among service providers, police services,

1 the justice system and the general public, as to why
2 Indigenous people, especially women, are more at
3 risk of sexual exploitation and violence. Many
4 social, economic and historical factors have
5 contributed and continue to contribute today to the
6 marginalization and vulnerability of Indigenous
7 people.

8 According to the report of the "Truth and
9 Reconciliation Commission of Canada", current
10 conditions such as disproportionate victimization of
11 Indigenous people can be explained, in part by, as a
12 result or the legacy of the way Indigenous children
13 were treated in residential schools and were denied
14 the environment of positive parenting or the
15 community leaders, and positive sense of identify an
16 self-worth.

17 Some of the reality -- some of these realities
18 include: high level of poverty, racism, loss of
19 cultural identify, family fragmentation, high level
20 of physical, sexual, emotional and psychological
21 abuse in the home, intergenerational trauma,
22 normalized cycles of abuse, higher level of
23 substance and alcohol abuse, higher rates of foetal
24 alcohol syndrome disorder, higher rates of
25 depression and other psychological disorders, and

1 severe overcrowding in homes, and lower levels of
2 education.

3 In the initial brief of the Grand Council of
4 the Crees of Eeyou Istchee and the Cree Nation
5 Government, it was identified that overcrowded and
6 sub-standard housing in Indigenous communities is
7 one of the main factors that leads some Indigenous
8 people to leave their communities for urban centers,
9 where many are at risk of homelessness and violence
10 and abuse.

11 Overcrowded housing creates tension within the
12 family and breeds conditions right for physical and
13 emotional abuse. The housing crisis in the Cree
14 communities is addressed throughout the initial
15 brief and is best summarized at the outset of the
16 brief as follows:

17 "One of the most urgent needs in Indigenous
18 communities is a critical shortage of social
19 housing. Until this housing shortage is addressed
20 through concrete action, other actions will come to
21 nothing. Until Indigenous peoples are no longer
22 living ten, 12 or 20 persons to a single house,
23 conditions commonly encountered in Northern Québec,
24 they will continue to fall victim to violence and
25 abuse. Until the single -- until this single issue

1 is resolved, Indigenous people will continue to be
2 forced from their communities to urban centers,
3 where they may be at risk of homelessness or
4 violence”.

5 “More social workers, shelter beds in cities
6 are necessary, but it’s not enough. These measures
7 reduce the stress on the margin, but they will not
8 solve the real problem.”

9 Any remedial measures to prevent and eliminate
10 any form of discrimination and violence in the
11 delivery of public service in Québec -- to Québec’s
12 Indigenous peoples must take into account the
13 underlined factors mentioned above:
14 historical treatment, assimilated policies, social,
15 economic conditions, poverty and overcrowded and
16 sub-standard housing. These measures must take into
17 account the history of abuses related to residential
18 schools, system discrimination, past and present
19 policies and legislation still exist. All of these
20 factors may interfere with the connection between
21 individuals and their communities.

22 In addition, the government of Québec and the
23 Cree Nation must work together on a common vision
24 and set measures to reduce violence and sexual
25 exploitation of Indigenous peoples. For examples:

1 one such issue regarding human trafficking is the
2 difficulty to locate individuals that have gone
3 missing.

4 In December 2014, a young woman, 18-year-old,
5 from the Cree community of Mistissini, went missing
6 for three weeks in what became a suspected case of
7 human trafficking in Montréal. A nation-wide
8 missing person's alert was issued, the SPVM launched
9 an investigation into the suspected network of human
10 trafficking in Montréal, and, thanks to the
11 collaboration of Cree authorities, the SPVM, the
12 Native Friendship Centre and the media, the young
13 woman was found and safely returned to her family in
14 Mistassini.

15 There needs to be a concerted action for
16 government to work with Cree -- authorities to
17 address housing in Cree communities. Service
18 providers need to be working with Indigenous people,
19 should be sensitized to Indigenous realities, in
20 particular front-line interveners, medical doctors,
21 social workers, welfare officers, probation
22 officers, teachers, lawyers and police officers
23 should be able to identify Indigenous victims of
24 sexual exploitation and violence, and take the
25 necessary measures to ensure that these individuals

1 are protected and returned to a safe environment.
2 Front line services should be able to adapt their
3 services interventions to meet the needs of local
4 Indigenous communities they serve. They should
5 tailor the delivery of services in collaboration
6 with Indigenous peoples concerned and avoid a "one
7 size fits all" approach.

8 Service providers who continually work on
9 developing and maintaining a relation and trust with
10 Indigenous communities, trust and mutual respect
11 should be a foundation upon what services are
12 provided to Indigenous people.

13 This requires a genuine collective and an
14 individual investment by the services providers to
15 learn about and reach out to communities that they
16 serve.

17 Personal working -- personnel working in
18 daycare and educational institutions should be made
19 aware of the importance and the means of detecting
20 Indigenous children exposed to and/or subject to
21 sexual exploitation or violence. Medical personnel
22 should be supported with tools and information on
23 the needs of Indigenous victims of sexual violence
24 and the services available for support and
25 protection, in order to ensure early detection of

1 these victims.

2 Police officers should receive training in
3 matters related to sexual exploitation of Indigenous
4 women and girls, including with respect to the
5 necessity of taking all complaints seriously and not
6 ignoring any women, and especially those in
7 vulnerable circumstances.

8 I don't know if you were -- if you had read the
9 Globe and Mail this morning, but they -- there was
10 an article on the Ontario Provincial Police and the
11 new measures that they have instituted, following
12 the article that I've made reference to here, that
13 only 1 in 5 sexual assault claims they -- sorry, 1
14 in 5 sexual assault claims are baseless: the Globe
15 and Mail put out a report today that the Ontario
16 Provincial Police are now instituting measures to
17 ensure that all are taken seriously by creating
18 regional sergeants that would review every sexual
19 assault case that was not taken seriously or that
20 was not followed through with, and to review the
21 evidence there, and also they added independent
22 mechanism, whereby advocates against sexual violence
23 against women would have the right to come in and
24 randomly look at files that were not followed
25 through.

1 So, these are examples of other, maybe, models
2 that we could look at and say: "We want to make sure
3 that all sexual assault files are taken seriously".
4 Resources should be detected -- should be dedicated
5 to affect the prevention strategies and address the
6 root causes of violence against Indigenous women and
7 sexual exploitation. Service providers should face
8 punitive measures when they tolerate or contribute
9 to the perpetuation of discrimination and violence
10 against Indigenous people, and prevention and
11 awareness campaign should be implemented to ensure
12 that all forms of discrimination are recognized and
13 identified by service providers and that corrective
14 measures are implemented.

15 For example: our Justice Department provide
16 financial support for the development of the Cree
17 Women's Association Initiative to create a toolkit
18 for the prevention of violence against Cree women
19 and girls, which includes information such as: fact
20 sheets about violence and safety, and community
21 resources and emergency contact numbers for both
22 young girls and women that are in the community and
23 those that are travelling to urban centers
24 throughout Québec.
25 Each public service department working with the

1 Indigenous people should create a position for a
2 point person, in the organization, who is
3 responsible and would be to monitor all forms of
4 discrimination against Indigenous peoples.
5 Tools and policies should be developed with
6 organizations to ensure women are properly protected
7 and free to report any abuse at the workplace,
8 without any risk of being penalized. The government
9 of Québec continue to support the need for
10 specialized program several and facilities, such as
11 women shelters for women in the Cree communities and
12 urban centers, where Indigenous women are present.
13 As mentioned previously, in paragraph 24, the Cree
14 Nation Government and the Cree Health Board have
15 worked collaboratively with the construction and
16 operation in Eeyou Istchee of two women shelters.
17 The long-term support of the government of Québec is
18 key to ensure the construction, operation and
19 maintenance of these, and other similar facilities
20 and implementation of related programs and services
21 for Cree women.

22 Particular attention should be given to the
23 development and implementation of programs in
24 collaboration with front line workers that seek to
25 offer complementary services to help women and youth

1 in women shelters, and for those that will go to the
2 youth facilities, to developed certain skills that
3 promote their empowerment, such as workshops in
4 self-esteem, and to assist in improving their
5 situations when they leave the shelter or facility.

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1 **Me DENIS BLANCHETTE:**

2 Okay. The fourth and last topic I would like to
3 address to this Commission concerns services in the
4 correctional system. And before we get to the
5 initiatives and the measures that the Justice
6 Department is involved in, some of the
7 recommendations, it's important to understand that
8 this is in the context of what is well-known today:
9 the overrepresentation of Aboriginal people inside
10 that correctional system, so, both in prison, but
11 also throughout the whole system.

12 And you're probably aware of the statistics,
13 but we thought it would be useful to just bring some
14 of them to bring some context into this. Because,
15 you know, in 1996, the Criminal Code of Canada was
16 amended to provide judges with some flexibility,
17 but, also, to impose a requirement to look, before
18 handing out a sentence, to look into the particular
19 circumstances of Aboriginal or Indigenous offenders,
20 both individual, but also in a collective basis.
21 What is very sad is that, back in 1996, these
22 measures were meant as remedial measures: they were
23 meant to address an issue of overrepresentation.
24 Twenty years later, today, the problem is not
25 improved: in fact, the problem is getting worse.

1 We were, back then, 1999, when the Supreme Court of
2 Canada heard the Gladue case, which was about
3 interpreting these remedial provisions, and
4 providing guidance to the sentencing judges, as to
5 how to interpret these provisions and apply them.
6 Back then, in 1999, there was about 10, 12% of
7 Aboriginal offenders in the federal penitentiary
8 system and, today, so, almost 20 years after this
9 decision, we're at 25%. So, it's quite a... It's
10 quite a big threshold: we've jumped from ten to 25.
11 So, 20 years after the adoption of the remedial
12 provisions in the Criminal Code, rate of Indigenous
13 overrepresentation in the federal correctional
14 system has not diminished; instead, it has further
15 increased. According to the Office of the
16 Correctional Investigator, now, 25% of the inmate
17 population in federal penitentiaries is now
18 comprised of Indigenous people.

19 This percentage rises to more than 35 percent,
20 when we look at incarcerated Indigenous women.
21 These figures, all the more choking, given that
22 Indigenous people comprise only about 4% of the
23 national population.

24 Now, between 2005 and 2015, the federal inmate
25 population grew by 10% -- this is for the general

1 population, so non-Indigenous people -- while, at
2 the same time, during that same period, Indigenous
3 inmate population increased by more than 50%.
4 Now, the Office of the Correctional Investigator
5 also notes that some of the problems mentioned in
6 facing Indigenous inmates "demand focus and
7 sustained attention and a real commitment to change
8 and reform".

9 Among other things, the Office of the
10 Correctional Investigator recommends the appointment
11 of a deputy commissioner for Aboriginal offenders to
12 ensure that Indigenous perspective and presence in
13 the correctional decision-making process are
14 properly taken into account.

15 Now, in 2008, the ministère de la Sécurité
16 publique, so, in Québec -- and I jumped over some of
17 the statistics that you have in the brief about the
18 Québec correctional system. It's not much better
19 than the federal penitentiary system, it's very
20 similar: there's overrepresentation here also, in
21 Québec, this is well-documented. We also see the
22 same sort of increase, rather than decrease, in the
23 rate of overrepresentation.

24 But, in Québec, the MSP, ministère de la
25 Sécurité publique, in 2008, issued a special report

1 on the profile of Indigenous inmates in Québec, in
2 the system. Now, that report looks at the
3 overrepresentation of Indigenous Peoples in Québec,
4 correct system, and offers some observation. It's a
5 fairly big report, but if we look at the -- towards
6 the end, as a path forward, some of the useful
7 recommendations that this report offers can be
8 useful for this Commission, certainly. And I quote
9 from this, because it's worth looking into these
10 recommendations.

11 So, the report goes on like this, and I quote:
12 "If we want to defuse the criminalization process of
13 Québec Native persons and thereby act on their rates
14 of overrepresentation in penal institutions, it will
15 be imperative to develop measures that will act
16 upstream from the correctional services, like the
17 measures found in the current agreements between the
18 government of Québec and some of the Native
19 communities".

20 And they refer specifically to an agreement
21 with the Inuits and one with the Crees, a justice
22 agreement in 2007.

23 "We are referring, for example, to the
24 implementation of community prevention programs in
25 the areas of spousal and family violence, abuse of

1 all types and anger management.”

2 To that, they added “the development of
3 programs to prevent criminality among Native youth
4 or the creation of recreational and educational
5 infrastructures that would meet the objectives
6 described in the current agreements signed with the
7 Inuits and the Crees”.

8 “Other measures could also be contemplated
9 inside the correctional services. For example, a
10 program could be provided for correctional staff to
11 increase their awareness of the historical and
12 cultural realities of the Aboriginal people”, in
13 building on Section 18 of the JBNQA, which we saw
14 before: it’s about training, it’s about having the
15 staff, especially the non-Native staff become aware
16 of the Cree realities and way of life.

17 And the report continues:

18 “To dispense some correctional services in
19 Native languages, to ensure that Native persons have
20 access to an interpreter (particularly Inuit and
21 Cree persons) and to provide Native spirituality and
22 healing programs inside the correctional institution
23 that receive the largest number of Natives persons.”
24 This is a 2008 report, but we’re pretty confident
25 that some of these recommendations are still very

1 much relevant today and could be implemented going
2 forward.

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1 **M. DONALD NICHOLLS:**

2 At the same time that the Ministry of Public
3 Security for Québec was conducting their report, we
4 initiated our own investigation and we interviewed,
5 did intakes with 130 Cree inmates to get a profile
6 of the factors, the underlined factors that
7 contributed for them to be within the Québec
8 correctional system.

9 Many of the factors contribute to the
10 vulnerability of Indigenous people and, eventually,
11 their overrepresentation in justice and correctional
12 systems include: social, economic, historical
13 circumstances, poverty, unemployment, lower
14 educational levels, family breakdown and inter-
15 generational effects of residential schools, their
16 loss of culture and addictions and alcohol abuse.
17 The "Truth and Reconciliation Commission of Canada"
18 -- sorry, I'm jumping to 93 -- the "Truth and
19 Reconciliation Commission of Canada" also noted that
20 the prisoners must be classified as minimum security
21 to be eligible while 90% percent of Indigenous
22 inmates are assigned medium or maximum security and,
23 therefore, ineligible for some programming.
24 This classification of Indigenous inmates is often
25 done without an interpreter, which leads to a

1 classification just not necessarily refract --
2 reflect the actual level of security required for
3 these inmates. This is an example of systemic
4 misunderstanding of Indigenous realities and the
5 lack of adapted services, which is taken from a
6 federal context of penitentiaries, but could just,
7 as well, be relevant to Québec's correctional
8 system.

9 We found the same experience, when we were
10 looking at the evaluations with Cree detainees what
11 would come within the provincial or federal system,
12 and it wasn't until we had hired, or we were
13 fortunate enough to have a Cree psychologist who
14 spoke Cree to help with the evaluations and to give
15 proper classifications of security risks, so, that
16 the -- so that offenders could be put into programs
17 and institutions more appropriate for the
18 rehabilitation.

19 Another example of systemic misunderstanding,
20 more specifically in a provincial context, is the
21 development and application of certain regulations,
22 bylaws, policies and other measures that may be well
23 intended for the general population, but may,
24 inadvertently, increase Indigenous presence in the
25 correctional system.

1 This point can be illustrated by recent report
2 of "Judiciarization or Criminalization of
3 Homelessness of Indigenous People in Val-d'Or". The
4 use of incarceration for non-payment of fines may be
5 intended as a general policy, but, in the particular
6 context of Val-d'Or, it has led to the
7 judiciarization or criminalization of homeless
8 Indigenous people, which, in turn, contributed to
9 the increasing their overrepresentation in the
10 correctional system.

11 The Justice Department, in collaboration with
12 the Cree-Québec Judicial Advisory Committee, has
13 identified crime prevention as a key element in
14 contributing to reducing the number of Crees coming
15 into contact with the correction system.
16 As mentioned in paragraphs 20 and 21, the Justice
17 Department has established various programs and
18 carried out projects and initiatives, alone or in
19 collaboration with local and regional partners in
20 some areas of crime prevention and youth engagement.
21 The Justice Department is involved in the
22 preparation of Gladue reports for Cree offenders.
23 These report contains recommendations to the courts
24 and to the appropriate sentence, as well as
25 information of the offender's background, social

1 history, residential school, abuse, which is taken
2 into account in the determination of an appropriate
3 sentence by the court.

4 I'm flipping over the 103:
5 In conformity with these provisions, the Justice
6 Department has signed a collaboration with the
7 representatives of the Ministry of Public Security
8 with the view of increasing visibility and
9 involvement of the Justice Department with Cree
10 detainees in the correctional systems. In recent
11 years, the Justice Department has hired and trained
12 many staff to work closely with the Cree detainees
13 during their determine and after their release from
14 prison.

15 In particular, the Justice Department has hired
16 a psychologist that prepares the assessments of Cree
17 offenders, as I mentioned, in order to determine the
18 risk of re-offending and their potential for
19 reintegration, as well as their needs for assistance
20 and support beyond the institutions. These
21 assessments are indented to take into account
22 cultural factors and be more reflective of the
23 realities of Cree offenders.

24 Another example is the Cree corrections liaison
25 officer, who assists Crees in detention facilities,

1 so they get better services and have access to
2 programs that address their needs. The Justice
3 Department has developed various special programs
4 and services for Cree detainees specifically
5 designed to take into account and respect Cree
6 culture and values, the Cree way of life and beliefs
7 with healing and reconciliation, including programs
8 for individuals with a functional level of literacy.
9 One example is the traditional food program, which
10 enables Crees and detainees to connect with the land
11 and to remind them of their culture and identity,
12 and help them begin their healing journey.
13 The Justice Department has supported programs
14 developed and implemented, in collaboration with the
15 Cree Health Board, which provides for youth
16 offenders in detention to leave detention, go on the
17 land and spend six weeks with their families to
18 strengthen their bond, their self esteem, to
19 reconnect with their land, with their families and
20 with Cree values, as a step towards rehabilitation.
21 These wilderness therapy programs are an important
22 measure that are related to Cree culture and
23 society. This is another example of an effective
24 collaboration between front line service providers.
25 In recent year, the Justice Department has held

1 discussions with representatives of the Ministry of
2 Public Security to develop a protocol or a
3 memorandum of understanding in that further increase
4 -- increasing our collaboration with the Ministry
5 and the Justice Department, in particular the
6 Justice Department would expect this protocol to
7 define the participation of Cree personnel in the
8 Justice Department alongside with Québec's personnel
9 in various steps of the correctional process, such
10 as: the preparation of the presentencing report, the
11 assessment and the correctional intervention plan,
12 the -- during custody and, afterwards, during
13 community supervision.

14 For the Justice Department, this approach would
15 be consistent with paragraph 18.0.34 of the James
16 Bay and Northern Québec Agreement, which provides:
17 "when it will be appropriate to do so, Crees will be
18 recruited, trained and hired in order to assume the
19 greatest number possible of positions in connection
20 with the administration of justice in the judicial
21 district of Abitibi".

22 This approach would seek Crees personnel, such
23 as Cree re-integration officers that specials in
24 detention environment, to work side by side with
25 correctional system's -- with the correctional

1 systems, with Québec probation officers and
2 correction officers, and it would require a better
3 access for Cree -- it would ensure better access to
4 Cree detainees by Cree personnel and the delivery of
5 programs and services to them in a way that better
6 takes into account their way of life and culture.
7 Moreover, the formal recognition of Cree personnel
8 in each step of the correctional process would
9 increase their authority and legitimacy in the eyes
10 of the Cree detainees and this will facilitate their
11 supervision and follow-ups throughout and during
12 aftercare services.

13 Now, going to the path forward, in accordance
14 with paragraph 18.0.3.6 of the James Bay and
15 Northern Québec Agreement: "Programs must be
16 provided for non-Cree persons engaged in the various
17 aspects of the judicial and legal system",
18 particularly Québec personnel working the correction
19 system, probation officers and correctional officers
20 to ensure they are familiar with the language,
21 customs, needs and aspirations of the Crees.
22 Training should be provided to these persons to
23 raise their awareness of Cree culture, realities and
24 approaches to healing, as well as the challenges
25 faced by Crees in order to eliminate misconceptions

1 and discriminatory practices.

2 In conformity with Section 21 of an Act
3 respecting the Québec correctional systems and
4 paragraph 18.0.29 of the James Bay and Northern
5 Québec Agreement: special programs and services that
6 take into account the Cree way of life and culture
7 should be further developed, implemented and
8 expanded within the correctional systems, including
9 the expansion of the traditional food program to
10 enable Cree detainees to connect with the land and
11 to remind them of their culture and identify, and to
12 help them to being their healing journey.

13 Programs to facilitate and encourage visits of
14 elders from Indigenous communities, so they can meet
15 with Indigenous detainees.

16 Programs that take into account and respect
17 Indigenous beliefs about healing and reconciliation,
18 including traditional healing ceremonies and
19 Indigenous spiritual practices.

20 Ideally, in case of detention outside of the Cree
21 communities, Cree detainee should be kept in the
22 same detention facilities, preferably in Amos, for
23 the proximity to their families and communities, and
24 in order to facilitate the development and the
25 delivery of programs, as well as culturally

1 appropriate services to them by Cree and non-Cree
2 personnel.

3 The Ministry of Public Security should ensure
4 that the appropriate measures are in place to
5 facilitate the implementation of special programs
6 and services for Cree detainees, including Cree
7 personnel of the Department of Justice. This could
8 be part of a protocol along the lines described in
9 paragraphs 108 and 109.

10 The government of Québec should ensure the
11 appropriate measures, including interpreters are put
12 in place to enable Indigenous detainees to
13 communicate effectively on their needs and
14 realities, given the discriminatory practices that
15 may sometimes result from misconceptions or
16 misunderstandings between service providers and
17 Indigenous detainees, including due to language
18 barriers.

19 For example: it would be unacceptable for an
20 Indigenous detainees to be denied access to required
21 health care, simply because he or she is unable to
22 effectively communicate his or her needs due to
23 language barriers.

24 Effective and clear communication is also crucial in
25 the initial assessment of an Indigenous detainee, as

1 this will be -- will determine his or her
2 correctional plan, including appropriate programs
3 that may be available to him or her.
4 Measures should be put in place to eliminate the use
5 of incarceration for Indigenous persons for non-
6 payment of fines. For example: resources should be
7 provided and allocated for the development of
8 culturally appropriate compensatory work programs in
9 Indigenous communities and municipalities with
10 sizeable Indigenous populations, such as Val-d'Or or
11 Amos, so that Indigenous offenders, who are unable
12 to pay their fines, have the opportunity to do
13 community or voluntary work instead of -- instead in
14 a culturally appropriate setting.

15 Such measures should be in addition to those
16 mentioned in the initial brief and the report of
17 judicialization of homelessness in Val-d'Or,
18 including: avoiding ticketing, in the first place;
19 avoid over reliance on police officers as front line
20 social workers; deploying more and more trained
21 street social workers providing shelter spaces for
22 homeless people and, above all, tackling the root
23 problem of overcrowding -- overcrowded housing in
24 communities that drives Indigenous to cities.
25 The government of Québec should provide financial

1 resources for these recommendations, including
2 meaningful support to Indigenous communities to
3 develop, enhance, implement crime prevention
4 programs, alternative sentencing, rehabilitation
5 treatment and reintegration programs.

6 As we with the issues and observations in the
7 initial brief of the Grand Council of the Crees of
8 Eeyou Istchee and the Cree Nation Government, those
9 mentioned here are, by no means, exhaustive.
10 They're primarily indented to provide to the
11 Commission concrete examples, in some cases,
12 symptomatic illustrations of much more complex
13 issues that require the examination of factors and
14 elements that overlap with the mandate of Justice
15 and correctional services. They are also indented
16 to offer avenues to explore for solutions.

17 In 1975, the parties of the James Bay and
18 Northern Québec Agreement had the foresight to
19 negotiate in this first modern-day treaty, the
20 provisions of Section 18, dealing with the
21 administration of justice for the Crees. These
22 provisions, in the entire Section 18, lay the
23 foundation of reconciliation between Cree values,
24 traditions on one hand, and the Canadian model of
25 justice and laws on the other. They also lay the

1 foundation for a true collaboration between the
2 Crees and the government in the administration of
3 justice for the Crees.

4 As mentioned earlier, it took some time and
5 some legal proceedings and, eventually, the Paix des
6 Braves for the Government of Québec to begin more
7 fully implementing the provisions of Section 18 on
8 the administration of justice for the Crees, the
9 justice agreement in 2007 and the renewed commitment
10 from Québec and a greater collaboration of the Crees
11 and the government and Justice and Correction
12 Systems all point in the right direction.

13 The commitment of Québec to work with the Crees
14 to fully implement the provisions of the James Bay
15 and Northern Québec Agreement will contribute to
16 addressing some of the issues relevant to the work
17 of this Commission. And collaboration between
18 Québec and the Crees to address some of the
19 underlined caused identified in this brief, in
20 particularly, the lack of adequate social housing,
21 will eventually have even more significant of an
22 impact on these issues. Thank you.

23 **LE COMMISSAIRE :**

24 Maître Boileau, would you have some questions to our
25 witnesses?

1 **Me DENIS BOILEAU:**

2 Yes, I only have one question.

3 In relation to this document that you presented to
4 us: if you could explain, a little bit, all the
5 steps, like, in the judicial process, where the
6 justice committee and, actually, the Cree Justice
7 Government can intervene, and if you have some
8 comments about these things, like, for example: if
9 there are some things that you find interesting and
10 if there -- if this type of process bring some
11 obstacles to the Cree Justice Government that -- if
12 you would have some suggestions, stuff that you
13 like, or like less, actually?

14 **M. DONALD NICOLLS:**

15 Very good.

16 **Me DENIS BOILEAU:**

17 Thank you.

18 **M. DONALD NICOLLS:**

19 Thank you. When you look at the Cree adult criminal
20 justice general process, as we said, we have more
21 than 50 professionals and staff that work within the
22 Justice and Correction System on a daily basis. So,
23 we produced this model to show how often we
24 intervene throughout the entire system.

25 So, when you have a criminal act and you go to

1 police intervention, if there's a victim or witness,
2 we -- then, the Cree CAVAC services start meeting
3 with the victims and witnesses to help walk them
4 through the process that will be in front of them,
5 and to help make sure that they have access to other
6 support services, which may or may not be in the
7 community.

8 So, some of those supports services could be
9 mental health care. Now, in remote Indigenous
10 communities, there's not an abundance of
11 psychologists or analysts that are there. And, so,
12 this -- well, that's one of the barriers that we
13 face is that: there's not enough adequate mental
14 care.

15 Sometimes, when dealing with victims or
16 witnesses of crime, because it can be very traumatic
17 and often a crime in a small community could include
18 -- there might be a relation between the victim and
19 the offender, and that causes families to be even
20 more split, and it causes incredible tensions. And,
21 so, the Cree CAVAC officers have requested that we
22 provide some more access, which requires more
23 resources and more funding.

24 And we had tried to work with some elders and
25 use them, initially, at the beginning, but the

1 payment was very slow and, so, eventually, we lost
2 our elders to help do some of the healing process.
3 So, the mechanism In Québec, as it is, it's kind of
4 slow to pay people and elders, well, you know, they
5 weren't going to be around forever, so, they need to
6 be paid, sometimes, within a reason time.

7 So, that's one of the barriers that we have
8 there. But we provide those services and we can
9 provide those numbers. They increase every year.
10 We have more and more files, people become more
11 aware of it, and that's an incredible supportive
12 structure.

13 So, if you go down the list, you can be release by
14 the -- by police officer or go down, and it goes
15 down to the prosecutor.

16 So, when it goes to the Crown prosecutor or
17 within Québec, then, the prosecutor has the right to
18 divert it to our local justice communities. We
19 provide extensive training to our justice
20 committees. We do Canadian Institute of Conflict
21 Resolution training that looks under the underlying
22 causes of why people the way they do and what needs
23 need to be met. In order to help them heal or
24 rehabilitate, we provide case-management training to
25 them, and, so, we really believe that there's not

1 too many instances where a well-trained justice
2 committee could not intervene and help locally.
3 And that's part of the reason, I -- that our
4 courtrooms are round. We probably have some of the
5 only round courtrooms, probably the only ones in the
6 province. The Minister -- former Minister of
7 Justice visited and said: "With these round
8 courtrooms, how do my judges, you know, how do they
9 interact in here?", and we said: "Well, the whole
10 reason for them to be round is because: we believe
11 that justice is inclusive of the community. We
12 believe, especially, when you're in the North and
13 you're in a society that has collective rights and
14 that has -- that works together and has
15 interconnectedness and obligations to each other,
16 that everyone should be involved".

17 And, so, in that courtroom, we can have social
18 workers, we have the justice committee, we have
19 youth protection workers, and, then, the judge can
20 reach out to them and say: "Well, what can you do?
21 What would you like to do as a part of the
22 solution?", and, so, it creates that collaborative
23 experience to say: "Yes, we should be more included
24 in the solutions, because, eventually, whatever
25 determination is from -- that happens from then, the

1 community will have to live with".

2 So, if there's a healing process, if there are
3 programing, if they end up in detention, eventually,
4 that individual will come back and there will still
5 be unresolved tensions within the community over the
6 criminal act, over whatever act has occurred. And,
7 so, we have to get to the root of that and, so, we
8 believe, as a community - and I always say, too:
9 "It's round, so that no issue gets trapped in a
10 corner". Right? So, that, it's all out there.

11 So, that's kind of what we do with our justice
12 committees. We train them well. Some of the
13 communities may deal with 200 youth cases a year,
14 maybe 100 adult or -- you know what I mean? With
15 measures given to them by the Crown. Right now, the
16 agreements that we have with the Crown office is
17 that any Section 1 and 2 offense can go to a local
18 justice committee and be resolved then -- there.
19 However, we are -- the Youth Protection has asked us
20 if we can deal also with youth protection issues:
21 "Instead of taking the youth root courts, can we do,
22 and take them to the justice committee, work with
23 them and provide solutions locally to deal with
24 whatever incident or act that has brought them
25 there?".

1 And, also, there has been a push to deal with
2 domestic violence issues, because those are going to
3 continue within the community, and if we can come up
4 with programs and if we can provide support locally
5 in the community, because, even if you send someone
6 away, they're going to come right back into the same
7 situation and are often going to be living across
8 the street or they're going to be meeting each other
9 in the grocery store on a regular basis. So,
10 really, we have to have a much more comprehensive
11 solution.

12 In an urban centre, they may not see each
13 other, and they're -- but, in a small community,
14 it's very important that there is more involved.
15 So, the local justice committee can take the case,
16 they can decide whether or not there's a conflict --
17 sometimes, there is a conflict, and they'll have to
18 divert it, and they can -- and they can give it to
19 another justice committee or they can recluse
20 themselves and, then, they report back to the Crown,
21 when they've come up with a plan, and the Crown
22 reviews it.

23 The judge can also do that. And, so, the judge
24 asked that the chair of the justice committee be at
25 every sitting, and the judge can look at a case and

1 say to the Crown: "I think we're going to send it
2 over to the justice committee".

3 And, so, that way, it gives a local community a
4 greater voice, it also gets everyone involved, and
5 it starts that process of rehabilitation and healing
6 that needs to be at the community level. We believe
7 justice comes from the community and it has to
8 reflect and it has to serve the people that it --
9 that are there, right? That has to reflect their
10 culture, their identity, the society that it seeks
11 to serve. It has to be -- it has to, somehow, have
12 that in there, in order for the public to have
13 confidence in it. Otherwise, it's a system that
14 doesn't resolve the majority of the impact of that
15 criminal act.

16 So, as you go down, if the person goes into
17 detention, immediately our correctional liaison
18 officer goes to whatever institution they're at and
19 does an intake form. And this is... And the intake,
20 he will ask them: "Is it okay if we give you
21 services? Please, sign a consent form, and we're
22 going to go through your profile: what brought you
23 here? Why are you here?". What are the factors
24 that contributed? Was there alcohol abuse? Was
25 there violence in their life? What... You know:

1 "Are you married, not married?", you know, "What's
2 going on in your life?" and "Where would you rather
3 be?", right? "If you weren't here, what would you
4 like to be doing? What can we work towards?" If
5 someone says that they would like to work towards
6 their hands:" Can we get you into a carpentry
7 program? Can we get you into something
8 afterwards?".

9 So, we start the process right there. And,
10 after that, we have our reintegration officers from
11 the community that they're from or, if they're from
12 Val-d'Or or Amos or from Gatineau or another part we
13 have a correctional release support worker, that's
14 like a reintegration officer, but for Crees that
15 live in an urban environment, that will go visit
16 them and start making out a plan with them.

17 "So, what are you going to do while you're in
18 here? What programs can we get you in? What do you
19 need the most support with? How can we make it for,
20 when you're leaving here, that you have the best
21 support? Will you go to alcohol, well Al-Anon?
22 Will you go Narcotics Anonymous? Do you want to go
23 through a traditional healing process? Do you want
24 to go to a sweat lodge? Do you want to talk to an
25 elder? Do you want to talk to a pastor? Do you

1 want to talk to a counsellor?"

2 We set up all the services that we can do to try and
3 intervene.

4 And, then, also, once we know that they're
5 there, our corrections teams start saying: "Well, we
6 have a number here that we -- a number in one
7 institutions: maybe we can come in and do an anger
8 management workshop, and addictions workshop". And,
9 so, we've developed some workshops and we have staff
10 that are certified to give their -- they have their
11 certification, they've attained from institutions,
12 and they can go in and they can give workshops in
13 specific areas, if we have enough within an area,
14 and that's why we say: "Well, if Québec would give
15 us an institution that we have more Cree at, then,
16 we can provide more services". We can provide more
17 regular classes, more regular workshops, more
18 support, but we don't. Right now, there are
19 scattered all over the system: they may come in to
20 one institution, then, they're shipped out and
21 they're all over the province. And, so, we have
22 some in Gatineau, some in Saint-Jérôme, some in
23 Roberval, some in Amos, and, so, it makes it
24 difficult for us to create workshops. We'll go into
25 to visits, we will visit all of the areas and we'll

1 provide support.

2 And we also provide that connection for family
3 too. Because, suddenly, they're -- they're
4 disconnected from their family, and that family
5 needs to know: "Well, you know, maybe some of them
6 can afford to go, maybe some of them can't afford to
7 go to visit". And, so we try and deal with those
8 barriers and say: "How can we connect you to your
9 family", you know?

10 And, so, that's why we installed and invested
11 in video conferencing. So, all nine of our
12 communities and justice facilities have video
13 conferencing room dedicated, so, that people that
14 can't travel can not only get legal advice and meet
15 with lawyers or get psychological sessions, if
16 that's required of them, or they can meet with love
17 ones that have video conferencing in a detention
18 facility within Québec and, at least, they can
19 connect. And that's what we want, as we want them
20 to start working on valuing themselves, on repairing
21 the damage, on remembering they're a part of the
22 family, remember they're part of a community, a part
23 of a Nation.

24 And that's why we do the traditional food
25 program, and so our correctional team does a change

1 of seasons. So, this, in September, they will be in
2 Cowansville, (Inaudible), and another detention
3 facility within Québec, in order to bring and have a
4 nice goose feast or some traditional food, and it's
5 an opportunity for us to remind them they still
6 belong and we want them to open up. We want them to
7 start thinking about: "Well, what can I do when I'm
8 out?", "What can I still participate in?".

9 And, when we did our first tour, when we started the
10 department, we did a tour of the communities and the
11 elders kept on saying: "Well, the land is the
12 healer". Well, we know we can't take them to the
13 land, because they're in custody, but we can bring
14 the land to them and help remind them of where they
15 can go after and start facilitating that, if that's
16 what they want to do.

17 So, we start working on that as well. When we
18 -- also, when someone is charged, the justice
19 officer, so, the community justice officer works
20 with the court and starts working with the client
21 and saying: "Okay, you have your court appearance,
22 you have -- this is what is going to happen within
23 the system". The community -- our community justice
24 officer also coordinates the local justice
25 committee. So, they're not the chair, but they

1 coordinate all the files that will go there, they
2 help make sure that all the communication between
3 the Ministry of Justice Québec and the justice
4 committee is flowing, that everything is done the
5 way it needs to be done, so that it's a
6 collaborative or an integrated system of justice.
7 And we do the same with corrections too. We have a
8 very good relationship with Corrections Services
9 Canada, they usually train our individuals on
10 correctional release plans and that, and, then, we
11 bring them into the Ministry of Public Security
12 institutions, so that we can -- so, that we're
13 already there with skills.

14 There was a little bit of a communication
15 barrier at the beginning, because a lot of the
16 Ministry of Public Security staff didn't speak
17 English, that did a lot of the programming and that,
18 and, so, we went to the next best thing and, then,
19 we started developing these plans, and we can -- we
20 have staff that are trilingual and that can develop
21 them in French and the Ministry of Public Security
22 said: "Wow, these are wonderful correctional release
23 plans. Where did you learn them?", and we said:
24 "Well, we learned them down there, but, you know,
25 the majority of our clientele are within the

1 provincial system, so, this is where we're going to
2 be making a lot of them", right?

3 And the same with the Gladue reporting: we trained
4 all of our reintegration officers and all of justice
5 officers. We started with the BC Institute of
6 Justice, they came over and they trained, they
7 provided week-long courses for our staff to make
8 really good caliber Gladue reports for the Court
9 and, so, most of our staff and some of our justice
10 committee members are trained on this, so that we
11 can provide that to the Court, so we can make better
12 decisions, so that we can have plans and we can
13 reduce the amount of Crees that would be in custody.

14 So, we invested a lot into that too, and some
15 of our Gladue reports are considered some of the
16 best that are made in Québec, within the system, and
17 we really enjoy that. We enjoy providing that
18 support for our people and for both systems, for
19 both the justice system and, sometimes, in the
20 correction system, they require a more extensive
21 reporting, and so we invest in our staff to do that.
22 So, that's what I mean, that they're trained
23 professionals. A lot of them come from -- some of
24 them have masters of law degrees, some of them have
25 social work degrees, you know, a lot of our staff --

1 well, I would say a good portion of our staff are
2 former police officers as well, and, so, they've all
3 had some familiarity or training, in some way, that
4 they can deliver a good perspective, and they're
5 used to working with client that are high-risk, and
6 they all love their work. They all love going into
7 these institutions.

8 So, we can do presentence report, we can do --
9 we're part of the sentencing hearing, we provide our
10 victim services throughout, we provide the
11 opportunity to divert it to our local tribunal,
12 which is the justice committee.

13 When they end up in the correction system, as we
14 mentioned before, we have a Cree psychologist, whose
15 trilingual, and she'll go in there and do the
16 assessment. Previous to that, the assessment, if
17 someone didn't speak English or French, the
18 assessment that they got within the system was that
19 they would be medium or high-risk, and that's
20 unfortunate, because, then, this person is sent to
21 an institution where they're not going to get any
22 help. Right? They're likely not going to get the
23 type of program they need. But, since we have
24 someone that can do the assessment and is a member
25 of the Order of the Psychologists for Québec, she

1 provides a very good assessment and, then, she does
2 sessions while they're in, she meets them in
3 detention and, then, after they're released from
4 detention, she goes to the communities for offenders
5 and does sessions afterwards. Not all First Nations
6 would have it, we're very fortunate that we have one
7 that can do that and that she loves her job, and she
8 does it very well. And, so, that's a part of the
9 service that we can provide as well.

10 So, when we do that, like I said, we do the
11 correctional release plan as well. And, so, the
12 only issue that we have with the correctional
13 release plan is that: Québec -- the system in Québec
14 and the laws do not recognize our reintegration
15 officers. So we have nine Cree reintegration
16 officers that are trained very well and that are in
17 all nine communities, and visit the Cree detainee in
18 detention and do their correctional release plan,
19 and do a lot of work with them and, of course, they
20 meet with them regularly.

21 But, as soon as the release, the only
22 obligation in Québec for a Cree offender is to
23 report to their probation officer, and, so, then,
24 they lose contact with us. So, we have programs: we
25 want to find them jobs, we want to make sure they

1 stay on track, we want to help monitor them when
2 they're in the community for community safety
3 concerns, as well as to make sure that they're
4 making some of the right decisions and provide a
5 little extra support.

6 But we can't. Because, at that point, the
7 obligation or the opportunity for us to meet with
8 them is no longer there. And, so, that's why, in
9 the brief, we said: "You know, we would really like
10 Québec to work with us, to recognize their role and
11 to make sure that they have authority and that
12 there's a requirement that Cree offenders returning
13 to a Cree community, should be meeting with Cree
14 reintegration officers, who are right down the
15 street, who speak their own language, who know
16 everything about the community, who can access any
17 resource they need within the community, and they
18 can help find them jobs or get them into training
19 programs or get them on the land, if that's what's
20 needed, that can help assess their risk level, that
21 maybe can test -- or if there is a breach of
22 conditions, that can provide to the correction
23 system or to the Court whether or not they think
24 that something that -- they should go back for or
25 something that they can work with.

1 You know, there are a lot of services that can be
2 provided locally, and we've -- we've had
3 reintegration officers and we've been training them
4 in all the communities for over eight years. And,
5 so, they -- they've had a lot of clients, they've
6 been well-trained. There's no question that they
7 can do this work.

8 And, so, the only thing that we're missing is
9 an agreement or some change in law. There has --
10 the Ministry of Public Security said that this may
11 require a change in law, and that's what we want to
12 do: we want to be providing front end services in
13 Cree, to Cree clientele, which we consider is
14 probably the best support, the most appropriate.

15 And we have no problem linking with the
16 systems, because that's what the agreement was
17 about, that's what our whole relationship, when we
18 built the department and we created the Judicial
19 Advisory Committee, it was to keep that connection
20 with the Ministry of Public Security and the
21 Ministry of Justice Québec, and work very closely
22 with them to build a very integrated system, where
23 it respects the Cree and Québec systems and what
24 would be best and beneficial for our mutual
25 objectives.

1 So, for us, that's kind of why we designed this, is
2 to show exactly where our 50 employees fit in the
3 process. I know, I didn't mention the specialist in
4 detention environment, but he spends a lot of time
5 developing programs and getting in there. But, like
6 I said, he's a little bit restricted, because are
7 clients are moving around all over the place and,
8 so, we'd like to provide better services if we had
9 them in one place and we could have classrooms or
10 workshops or other things there and prepare them for
11 when they get out.

12 But, in the absence of that, as the Howard
13 Sapers' Report said and as the other -- the
14 provincial report said: "We're happy to do
15 programming after, aftercare programming after the
16 release, but the clients have no obligation to do
17 any, anything with us at that point. They're only
18 obligation is to the probation officer". And, so,
19 that kind of restricts what we can do at that end,
20 as well. So.

21 **UNE VOIX MASCULINE INCONNUE:**

22 Very good.

23 **Me DENIS-BOILEAU:**

24 Just another question.

25 **LE COMMISSAIRE:**

1 Other questions?

2 **Me DENIS BOILEAU:**

3 Yeah, another question, Mister Nicholls. I would
4 just be interested in hearing you more, just a
5 little bit more on something that you said that was
6 -- that picked my attention and was very
7 interesting: you were talking about the fact that:
8 the importance of having an intervention on the
9 community level, because it gives more trust into
10 the system from the public. You were talking about
11 that and, for you, I feel it's coming -- this
12 community process is coming through in -- well, in
13 your case, through justice committees.

14 So, just, I would be interested in hearing you
15 more about why is this -- like, you feel like it's
16 giving more trust for the public into the system.

17 **M. DONALD NICHOLLS:**

18 Well, as I said, when we went on our tour, our first
19 initial tour, and we talked to people and, of
20 course, I go to elders' meetings, I go to Band
21 Counsel meetings, to public meetings, they're
22 perspective of justice was that: they saw their
23 youth going by in handcuffs and, then, just
24 disappearing.

25 And that doesn't... We know that the justice

1 system is built upon the confidence of the people
2 that it serves. And if they see it as something
3 that they don't understand, that's not reflective of
4 their values, that, they don't see the progress
5 being made.

6 If they go to an institution where the
7 correctional officers don't even know what a Cree
8 is, know nothing about the culture, know nothing
9 about the Aboriginal or Indigenous Nations in Québec
10 and doesn't know the difference, doesn't know what
11 type of environment they come from, then, it makes
12 it very difficult to say that they're confident in
13 what is being done.

14 Because of the harmful act that was committed
15 within their community, they don't see any
16 treatment, any rehabilitation, any healing, any
17 process that's making things better. They just see
18 someone coming in, taking them away and, them not
19 having a say in it, and coming back to them,
20 sometimes, in the worse condition then when they
21 left, because of what they've, maybe, learned
22 inside, some of the relationship they've built with
23 other offenders inside have led to other concerns
24 that they're going to, now, bring back to the
25 community.

1 So, what we're saying is that: there has to be a
2 better way. There has to be a way where the
3 community can have more of a voice and be
4 reflective, and say: "Okay, we understand the Cree
5 justice", does a lot more. And, so, that's why we
6 invest a lot -- you know, I showed you the
7 prevention programs that we do -- that's why we
8 invest a lot in that, because we want an early -- we
9 want to do that early intervention.

10 And, when started doing the SNAP program, we were --
11 we started by referral and we were able to track the
12 eight different behaviours of why a child would be
13 sent to us or be referred to us. We were able to
14 track those and, then, over a 12 or 13-week period,
15 where we're providing them with programming, we
16 could show on how well they've improved.

17 And, so, evidence-based-wise, we were able to
18 do that, and it became so effective that after three
19 years, people said, you know, the community said:
20 "We really want this", and so we turned it into a
21 nationwide program and, now, we're in all the
22 schools. And, so, all the elementary schools we
23 work with, maybe 4000 students a year or, you know,
24 well 2000 last year, but we work with that group a
25 year, and, then, we work with the older group too.

1 So, we try and work with all the -- all the youth in
2 some way or another.

3 But, with our SNAP program, we started an early
4 crime prevention oriented thing to identify
5 behaviours and give them tools to deal aggression,
6 to deal with -- and we found that, too, there was --
7 we could easily identify if there was a neglect or
8 other things that would pop up there. We would tell
9 them: "You know, you're going to... You're coming to
10 us and we're going to work with you and we're going
11 to provide the support that we need with you, but,
12 if we note that there may be harm to you or you may
13 be contemplating harm to yourself or to others,
14 we're going to take it to a different level. We're
15 going to work with you and work with others in a
16 different way. But, other than that, anything that
17 you do with us is going to be between us and you",
18 and we build that trust and that confidence, and
19 that's what we're building within the communities
20 and the systems.

21 We have multiple programs now in the community:
22 we have our concentration programs in the schools,
23 we have alternative suspension programs in the
24 schools, we provide workshops, we take kids in the
25 summer to different camps on leadership development.

1 We do a lot of things to build them up and to build
2 up their social development, their leadership
3 development.

4 And, so, we've invested a lot into prevention,
5 because we want to get them on a good path early in
6 life. We want to get them to make early decisions
7 and, plus, create that relationship with us that: if
8 something goes wrong, they can come to us and say:
9 "You know what? Something went wrong here", you
10 know? "What can we do?", and maybe we can -- we can
11 help them. We certainly will help them in some way,
12 but we'll try to identify other areas that, maybe,
13 we can provide more support to.

14 We do that with partners, with the health
15 board, with the school board, with many other
16 groups. We're creating -- one of our most recent
17 initiatives is to create a hub. You know? So, an
18 Aboriginal hub. And that is to allow police
19 services, justice, the school board and health board
20 to come together and, if we notice that there are
21 youth -- there's an individual that a lot of
22 attention is coming to them, that they are at high
23 risk, that we're creating a relationship and
24 agreement that we can share information. And as
25 front-line services, we can work together and

1 resolve that. Right? We can say: "Well, what can
2 you do? Do you -- Are you going to do this
3 assessment? Are you going to do that?". And, so,
4 we don't have to wait until they come into the
5 system, we can say: "Well, listen, we noticed that
6 this individual needs a little bit more attention.
7 Let's put him on the table and let's talk about what
8 each one of us can do as a front-line service".
9 So, we're -- we've got approval by Mistissini to do
10 this Aboriginal hub and the model comes from...
11 Well, there has been some out West, in Hobbema, that
12 that model worked incredibly well there. The RCMP,
13 when they first started -- before they started,
14 there was a lot of gang violence, there was -- the
15 community was scared, there was -- it was all broken
16 apart. The police services created a liaison with
17 the community and, then, started working together
18 with the local leadership and the front-line
19 services, they created a hub.

20 And, last year, I noticed that, when there was
21 a shooting in the community of Hobbema, probably
22 within 20 minutes, the person's picture was up on
23 the Edmonton news, to say: "Okay, this person is
24 wanted, because of this act".

25 Now, before that hub started, the community

1 would have been scared to bring forward a gang
2 member's picture to say: "Okay, this was done in our
3 community".

4 And, so, we look at that and we say: "Well,
5 listen, you know, we don't have that problem, but we
6 do have -- we do want to bring together our front-
7 line services, because we have a lot of other issues
8 that we want to face". And because of the
9 underlying cause of the -- we've talked about it in
10 this brief, it leads to other things like, you know,
11 suicide rates, you know, violence, addictions
12 issues. There are other things in there that pop
13 up: anxiety disorders or mental health issues.
14 And, so, we say to ourselves: if we create a hub and
15 we can identify when youth or individuals in the
16 community -- and by "youth", I mean, you know, 15 to
17 20-some, you know, young adults too -- when we
18 identify them, then, maybe we can provide services,
19 so that it doesn't escalate, so it doesn't turn into
20 an incident within the community that's going to
21 draw upon all of our resources, but it's also going
22 to help us work as a community together to resolve
23 the issues, which really -- that's what...
24 That's what we'd like to do in justice, is to say:
25 "Well, how can we work together, reduce problems,

1 reduce the numbers that might end up within the
2 court system or within the correction system?", and,
3 so, that's one of the initiatives that we're saying:
4 "Let's give a voice to the community".

5 And we've already been approached to create a
6 regional hub as well, for a lot of the services that
7 would be provided that incorporate cultural and
8 spiritual aspects in the Cree Nation within the
9 health board.

10 So, you know, for us, we say, you know: "Good.
11 The more partners that are together, the more
12 sustainable and the greater impact that we can
13 have", and, so, this is one of our initiatives, one
14 of our more recent ones that we're developing.

15 **Me DENIS BOILEAU:**

16 Thank you. I have another question about something
17 you mentioned earlier about domestic violence
18 problem, you were talking about that, and I just
19 want a little clarification. I would just wanted to
20 know if you have like -- if programs for domestic
21 violence are in developed right now or if they're
22 already there and you're taking in charge some
23 domestic violence issues?

24 And, as well, if there's agreement with Crown
25 prosecutors to alternative measures program or

1 things like that.

2 **Me DONALD NICHOLLS:**

3 That's a very good question. We work on domestic
4 violence, we -- oh... We started looking at that
5 issue when I became coordinator of justice in the
6 90s, in the late 90s.

7 Carole Laprairie, a noted criminologist, had
8 done a tour of the Cree communities in -- from 89 to
9 90, 91, and she produced a report and, in that
10 report, the majority of incidents related to
11 interpersonal violence or domestic violence. And,
12 so, we -- so, I knew that, when I came in, after I
13 finished my law school, that, when I came into to
14 the position, that: this was one of the areas that
15 we needed to look at.

16 And, so, the very first conference that I had
17 was in Chisasibi on domestic violence. And brought
18 together, all the stakeholders that I could. Ah, it
19 was co-chaired between me and the Cree Women of
20 Eeyou Istchee Association, so, the Cree Women's
21 Group, to represent their interests. And, so, we
22 co-chaired it and we had, at the front, we had a
23 table of elders and they were allowed to come up and
24 speak any time they wanted about issues or to add
25 comments, and we had the health board there and we

1 had school board there, and... And we had, you know,
2 various other organizations there, like the EEPF,
3 like the police force and that.

4 And, so, that was one of the issues that we
5 initially said: "Okay, well, we know to do something
6 here". We contacted Carole Laprairie and she said:
7 "What? You haven't solved it yet? No, you haven't?
8 You know, I gave that report, you know, so many
9 years ago, eight, nine years ago". And we said to
10 her: "No, but we're concentrating on it and we want
11 to".

12 And, so, when we got that working group
13 together, they said: "Well, the very first thing
14 that we should do is to create a women shelter and,
15 if we create a women shelter, it means that we can
16 create Cree programming in there that can be done in
17 the Cree language, that can be in the Cree
18 communities, and our women won't have to go out
19 anymore to seek -- you know, to go to Ontario, to go
20 to Montréal, to go to Val-d'Or, to go outside of the
21 Cree Nation with their families". And we said:
22 "Okay, well, we understand that providing a women
23 shelter is not the solution to domestic violence,
24 but it's a necessary service, and it's something
25 that we can help".

1 And, so, we said: "Okay. So, one of the first
2 things we'll do is strike a working group and start
3 looking at that. And, so, we met front line workers
4 and we met Cree women that had gone to women
5 shelters and we asked their opinion of what needed
6 to be in a women shelter. And, then, we started
7 meeting with different groups to talk about
8 programming and what should be in there, as well.
9 And, so, we looked at developing and training staff
10 and...

11 So, when developed a women shelter and decided
12 that we would build two, we had called around and we
13 had talked to every single shelter in Québec, we had
14 talked to some Aboriginal ones outside of Québec and
15 asked for their general sense of things, and they
16 said: "You know, a women shelter by the Cree would
17 mean less cultural shock, would mean that the kids
18 could stay in Cree schools, it would mean more
19 support", and we said: "Okay".

20 Then, I talked to McGill and I said: "You know
21 what? If we have Cree women inside a shelter, it
22 would be nice if you ran, like, a management
23 training program for women, because that would
24 increase their empowerment, that would increase the
25 skills that they could have to make them more

1 employable". I said: "This could really be a good
2 thing", and they were definitely very open to it,
3 and they still are very open to the fact that we
4 could work on things together and provide
5 opportunities.

6 And, in the end, that's what it is, you know?
7 Like, I mean, the shelters and the one that we're
8 going to open is going to be absolutely beautiful,
9 on the 25, and the ministers will be there and
10 others will be there to welcome them and say: "You
11 know, it's a necessary service" -- and that's why
12 we're building the youth detention as well, it's
13 because we want to keep our youth within the Cree
14 Nation and develop Cree programming.

15 So, we're going to work collaboratively
16 together and we've already started to develop
17 programming that's going to be specifically on
18 domestic violence for Cree women and Cree families.
19 And to make sure that that culture shock is not
20 there, right? That, that they don't have to go
21 elsewhere, they're not in a vulnerable situation,
22 that they're not going to be, you know, in these
23 statistics on exploitation or other things. We want
24 to make sure that there is a safe environment for
25 them that is within a community.

1 One of the conditions for each community that
2 accepted the shelter was that: they would promote it
3 and that they would accept the women and children
4 unconditionally, that they're going to be a part of
5 their community and they're going to be a part of
6 the school, they're going to be a part of whatever
7 they need to be for how ever long they need to be,
8 until they either train or until they work on their
9 relationships, so that it's not in a domestic
10 violence situation or until we have some solution or
11 we help empower them to make some choices.
12 So, it's there. But it's not the programming that
13 we would... I would say that: there's much more that
14 needs to be done in that area.

15 So, some of our justice committees -- every
16 year, I give so much money to the local justice
17 committees and tell them: "Develop programs that you
18 think need to be within the community". I do that
19 with my staff too. We have a good fund and, of
20 course, I showed you the other funds, where people
21 could apply to.

22 Some of those programs have been relationship
23 oriented. So, up in (inaudible), we've had to
24 relationship building workshops on how to have
25 healthy relationships with others. I know, in

1 Mistissini, we've had -- it's like a -- I don't to
2 say it's a "canoe brigade", but it's only for
3 couples that are kind of having trouble, and they go
4 onto the land and they spend, you know, a weekend or
5 a week together, and someone counsels them and works
6 with them on their relationship.

7 We also have another program, where we use
8 elders and, so, we have these elders that will
9 identify couples, young couples, that are having
10 issues, right, with their relationship that could be
11 violent, and they take them onto the land for six
12 weeks -- like the elder couple, the man and the
13 woman, will take them on the land for six weeks and
14 talk to them about their relationship.

15 When we started the SNAP program, because, in
16 the SNAP program, I -- stop now and plan, I talked
17 about how it works with six to 11-year-olds, and we
18 give them tools. Well, there's a complementary
19 program that we ran workshop for -- workshops for
20 parents for the first 13 weeks, and one of the
21 comments we got on Facebook, after we completed that
22 plan, was that: "My child never came w7ith an
23 instructional manual, but now I know what to do".
24 So, we teach them how to use timeouts, we teach them
25 how to care for their children, we teach them how to

1 deal without different sort of behavioral issues.
2 And, so, I think that's the key, it's that: because
3 of residential schools, because of other policies,
4 you know, the residential schools didn't close in
5 Québec until the late 1980s. And, so, a lot of our
6 adult population went to Québec municipalities and
7 they were in residential schools. And some in
8 Ontario.

9 And, so, their idea of a healthy relationship
10 could include abuses, right? Because that's what
11 the relationship they had with the institution.
12 They would not see their parents, sometimes, for
13 years at a time, and they would be subjected to
14 physical, sexual, emotional and other types of
15 abuses, and that's the relationship that they grew
16 up with.

17 So, we have to realize that -- and that's not
18 all the cases, I'm just saying that that could be --
19 so, we have to realize that: part of thing and part
20 of our programming has to be working with parents
21 and has to be, say: "Okay, this is how a healthy
22 relationship is", "This is how we can work together
23 on parenting skills", "This is how", you know, "This
24 is how you can move from violence into a very
25 healthy and loving and caring relationship".

1 And that's why we invested in the Canadian
2 Institute of Conflict Resolution Training, to look
3 on -- and the underlying causes. Because, within
4 our department, you know, all my department is
5 trained in that. We train people from the health
6 board, we train people from the justice committees,
7 from the school board, from other agencies, and say:
8 "Listen, we need to look at the underlying needs of
9 the people".

10 And, also, we want -- we're developing
11 mediation skills in them, and we're developing a
12 conflict coaching skills in them. So, we're saying:
13 "Listen, we're going to start offering these
14 services", and we are offering them now, "so that we
15 can deal with some of the conflicts as they arise
16 and help people through it, and help people realize
17 that the solution remains within them. We just have
18 to tap into what needs haven't been met and what
19 understandings or misunderstandings are there, and,
20 then, open it up and coach them to better
21 solutions".

22 So, we're also investing in that within the
23 communities to try and deal with some of the violent
24 situations.

25 **Me DENIS BOILEAU:**

1 Thank you, again, for your answer. I just have one
2 last question regarding -- and I don't know if my
3 colleague will have one question, regarding justice
4 committees. I was just wondering if, in the Cree
5 Nation, are justice committee volunteers, not
6 volunteers? Some are, some are not? Or...

7 **M. DONALD NICHOLLS:**

8 That's a good question. When we started working --
9 in the 90s, when we started working with the
10 Ministry of Justice Québec, we started off
11 volunteers, and we said: "Okay, so... ". And, then,
12 we composed the justice committee, and the first
13 justice committee, I had an elder and he said: "I
14 don't know if I want to be on this justice
15 committee", and I said: "Why is that?"; and he says:
16 "Well, I don't want to judge people, because, in the
17 Bible, it says: you're not supposed to judge
18 people", and I said: "Well, that isn't really what
19 this is about. This is about helping people and
20 working with the people"; and he says: "Well, then,
21 I'll be on it. Because if I can help or make a
22 difference, then, that works".

23 And, so, these initial committees started off
24 as volunteer. And, then, we realized that: with
25 couldn't get some people, because they would have to

1 get babysitters or they would have to take time off
2 work and stuff like that. So, we created a fairly
3 nominal kind of payment. So, if -- and we can share
4 that, that's -- it's... I don't have it with me, but
5 if a justice committee member will attend court, if
6 it's under four hours or five hours during the day,
7 it's at a certain rate, if it's over that, then, we
8 give them a full day; or if they're going to work on
9 files with clientele, we recognize that; or if
10 they're going to work on programs; or if we take
11 them off to training and we're going to compensate
12 them. Because we realized that there are expenses
13 that arise when they're not doing something else,
14 right? They could be earning some money, doing
15 something locally within the community or they could
16 be hunting or they could be doing other things.
17 And, so, we want to compensate them for their missed
18 opportunity to provide for their families or to do
19 things that they would normally do.

20 So, we do compensate them. It's not a large
21 amount, but it's something that they feel
22 comfortable with and we feel comfortable with.
23 But...

24 And it also -- it also speaks to the value we
25 place in them. Right? Because they are a valuable

1 resource, they're -- they bring, each one of them
2 bring skills and strengths in different areas, and,
3 so, we want to recognize that as well and, so, yeah,
4 there's a compensation scheme or schedule with them.

5 **Me DENIS BOILEAU:**

6 I thank you, again, very much. I don't know if my
7 colleague have some question?

8 **LE COMMISSAIRE:**

9 Maître Laganière? You have questions?

10 **Me MAXIME LAGANIÈRE:**

11 Pas de question, no question. Thanks.

12 **LE COMMISSAIRE:**

13 Non. Maître Boucher?

14 **Me MARIE-PAULE BOUCHER:**

15 Pas de question non plus. Merci.

16 **LE COMMISSAIRE:**

17 Maître Coderre?

18 **Me DAVID CODERRE:**

19 Pas de question pour moi non plus, Monsieur le
20 Commissaire.

21 **LE COMMISSAIRE:**

22 So, thank you very much.

23 **M. DONALD NICOLLS:**

24 Thank you.

25 **LE COMMISSAIRE:**

1 It... It will be very helpful for the Commission,
2 specially what you suggest as a path forward.

3 **Me DENIS BLANCHETTE:**

4 Okay.

5 **LE COMMISSAIRE:**

6 It's...

7 **UNE VOIX MASCULINE INCONNUE:**

8 Very good.

9 **LE COMMISSAIRE:**

10 We need recommendation and suggestions to go
11 forward, to help us and, maybe, at the end, it may
12 help you, also.

13 **UNE VOIX MASCULINE INCONNUE:**

14 Very good.

15 **LE COMMISSAIRE:**

16 So, thank you again. And if you have something else
17 later to suggest to Commission, you'll be welcomed.
18 Hein? You know how to join us? Our counsels and
19 other people. So, you are always welcome.
20 Did you quote the PowerPoint and the...

21 **Me DENIS BOILEAU:**

22 No, that's what I was about to do so. I just want
23 to be sure.

24 **LE COMMISSAIRE:**

25 You're going to do that?

1 **Me DENIS BOILEAU:**

2 Sorry, what? Excuse me, I just...

3 **LE COMMISSAIRE:**

4 Yeah, you want to quote?

5 **Me DENIS BOILEAU:**

6 Yeah, yeah, sure.

7 **LE COMMISSAIRE:**

8 Okay, go on.

9 **Me DENIS BOILEAU:**

10 So, we have four piece to file into evidence, it's
11 in -- at P-52, I believe.

12 **LE COMMISSAIRE:**

13 Hum, hum.

14 **Me DENIS BOILEAU:**

15 So: "PowerPoint" -- well, "PowerPoint presentation",
16 we can file it under P-52.

17 We have a brochure of the Department of Justice and
18 Correctional Services, named: "Empowering Our Youth:
19 A Way of Life", under P-53.

20 And under -- Cree Justice Funds brochure, named:

21 "Working Together for Safer and Engaged
22 Communities", under P-54.

23 And the brief of the Department of Justice and
24 Correctional Services of the Cree Nation Government
25 to the public inquiry, here, under P-55.

1 **LE COMMISSAIRE :**

2 So, I understand that they were the last witnesses
3 for today?

4 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

5 Yes, it's the case. We will resume to Tuesday, with
6 Marie-Ève Sylvestre and Céline Belleau. Ils vont --
7 ce sont deux professeures, qu'elles vont venir
8 s'adresser sur la question de la judiciarisation et
9 de l'itinérance à Val-d'Or.

10 **LE COMMISSAIRE :**

11 Alors, ajournement à mardi. Ça va?

12 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

13 Mardi matin.

14 **LE COMMISSAIRE :**

15 Neuf heures trente.

16 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

17 S'il vous plaît.

18 **LE COMMISSAIRE :**

19 Très bien. Bonne fin de semaine à tout le monde.

20 **Me MARIE-JOSÉE BARRY-GOSSELIN :**

21 Merci.

22 **UNE VOIX MASCULINE NON IDENTIFIÉE :**

23 Merci.

24 **UNE VOIX MASCULINE NON IDENTIFIÉE :**

25 Thank you.

1 FIN DE L'ENREGISTREMENT

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Je soussignée, **Karine Laperrière**, sténographe
officielle numéro **2890844**, certifiée sous mon serment
d'office que les pages qui précèdent sont et
contiennent la transcription exacte et fidèle des
notes recueillies au moyen de l'enregistrement
mécanique, le tout hors de mon contrôle et au
meilleur de la qualité dudit enregistrement, le tout
conformément à la loi. Et j'ai signé :

11



12

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14

Karine Laperrière, s.o.b. 2890844