



Follow-up Committee on the Viens Commission's Calls to Action

2021 Report



STATUS OF THE IMPLEMENTATION OF THE REPORT BY THE PUBLIC INQUIRY COMMISSION ON RELATIONS BETWEEN INDIGENOUS PEOPLES AND CERTAIN PUBLIC SERVICES IN QUÉBEC: LISTENING, RECONCILIATION AND PROGRESS (Viens Commission) SINCE ITS PUBLICATION IN SEPTEMBER 2019

The Follow-up Committee on the Viens Commission's Calls to Action aims to document and publicly report on the implementation of the Commission's calls in a transparent and unbiased manner.

The [original version of the report is in French](#).

The members of the Committee are :

Research and writing

Sébastien Brodeur-Girard, Professor, School of Indigenous studies Studies, UQAT

Alexandre Carrier, lawyer

Arianne Martel, research assistant for the Observatoire des profilages

Jacinthe Poisson, research professional for the Observatoire des profilages

Rodrigue Turgeon, lawyer

Collaborators

Suzy Basile, Professor, School of Indigenous Studies, UQAT

Céline Bellot, Director of the Observatoire des profilages

Christiane Guay, Professor, Department of Social Work, UQO

Lisa Ellington, Professor, School of Social Work and Criminology, Université Laval

Mylène Jaccoud, Professor, School of Criminology, Université de Montréal

Carole Lévesque, Full Professor, INRS, Director of the Réseau DIALOG

Ioana Radu, Professor, School of Indigenous Studies, UQAT

Marie-Ève Sylvestre, Dean and Full Professor, Faculty of Law, Civil Law Section, University of Ottawa

Cyndy Wylde, Professor, School of Social Work, University of Ottawa

Cover photo :

This dream catcher accompanied all the Commission's hearings.

Photo credit: UQAT, First Peoples Pavilion| Marie-Claude Robert

Layout and graphic design: Sabine Friesinger

The Committee's process was initiated and supported by the Observatoire des profilages.





Table des matières

INTRODUCTION	4
METHODOLOGY	5
RESPONSES TO REQUESTS	6
Overview	6
Collaboration from Public Bodies: Asymmetric Transparency	7
ANALYSES AND FINDINGS	8
Statistical Portrait of the Implementation of the Calls to Action	8
Introductory Findings	11
Findings on Cross-disciplinary Calls for Action	11
Specific Findings for Each Public Service	12
CONCLUSION	16



INTRODUCTION

This is the first report tabled by the Follow-up Committee on the Viens Commission Calls to Action. It aims to provide an overview of the Quebec government's implementation of the recommendations in the final report of the Public Inquiry Commission on Relations between Indigenous Peoples and Certain Public Services in Québec: Listening, Reconciliation and Progress (CERP), also known as the Viens Commission.

Two years ago, on September 30, 2019, Commissioner Jacques Viens publicly unveiled the findings of his inquiry and stated that he found it "impossible to deny the systemic discrimination experienced by First Nations and Inuit in their relations with public services. He went on to issue 142 calls for action to improve relations between Indigenous peoples and the public services under review, including policing, justice, corrections, health, social services, and child welfare.

The tragic death of Joyce Echaquan at the Joliette Hospital on September 28, 2020, almost a year to the day after the Viens Report was tabled, brought to the forefront the issues of racism and discrimination experienced by Indigenous peoples in Quebec's public services, particularly in health services. At the same time, the Quebec government announced that 51 calls to action had been implemented or were in the process of being implemented, without providing details on the nature of these measures or their status. Many people were disappointed by this lack of support.

In order to provide the public, especially Indigenous peoples and authorities, with a more in-depth analysis of the current situation, a follow-up Committee made up of people from civil society and the academic world was organized. Over the past year, the Committee has been gathering available data to independently document the implementation of the Viens Commission's calls to action.

The sum of the research conducted has led to the publication of this report and a tracking table [available online in French](#).



METHODOLOGY

The Committee first chose to proceed through access to information requests under the *Access Act*¹. For each of the 140 calls to action in the Viens Commission report targeting the government², one or more requests were sent to the concerned departments and public services targeted. More than 150 requests were sent between April and June 2021.

Although this access to information process allowed the Committee to communicate rapidly with the public bodies responsible for implementing the calls to action and to obtain a lot of relevant information and documents, this mechanism has certain limitations. The *Access Act* does not require public bodies to create new records to respond to requests sent to them, and requests are limited to records existing at the time the request is received. This means that agencies are not required to provide written reasons for the lack of information.

The Act also includes some restrictions whereby rights of access to records may be denied by the public body concerned. This is the case, for example, for some information that affects negotiations between public bodies, the economy, the administration of justice and public security, or administrative or political decisions³. It should be noted that departments are required to make public on their websites the access to information requests received, and the responses given.

In order to broaden the collection of data, the Committee also took into consideration public announcements of funding by the government, credit studies tabled between April 27 and May 6, 2021, by the various ministries in the National Assembly, certain reports from public bodies as well as information published on the website of the Aboriginal Affairs Secretariat (AAS), including the tracking table added by this organization on September 17, 2021⁴.

This information has been compiled in a tracking table [available online in French](#).

1 [Act respecting access to documents held by public bodies and the protection of personal information](#), RLRQ, c. A-2.1.

2 It should be noted that the Committee did not consider it appropriate to send requests to the government in regard to two calls to action, call to action 7 targeting all band councils and call to action 24 targeting all professional orders. They are therefore excluded from the results. The Committee also sees a role for government in the implementation of calls for action 8, 27, 28, 33, 46, 47 and 69, despite what the Aboriginal Affairs Secretariat has indicated in the table it has released.

3 For more details, see the Act respecting access to documents held by public bodies and the protection of personal information, art. 18 to 43.1.

4 Aboriginal Affairs Secretariat. (September 2021). [Tableau de suivi des réponses aux appels à l'action de la Commission d'enquête sur les relations entre les Autochtones et certains services publics: rapport d'étape](#).

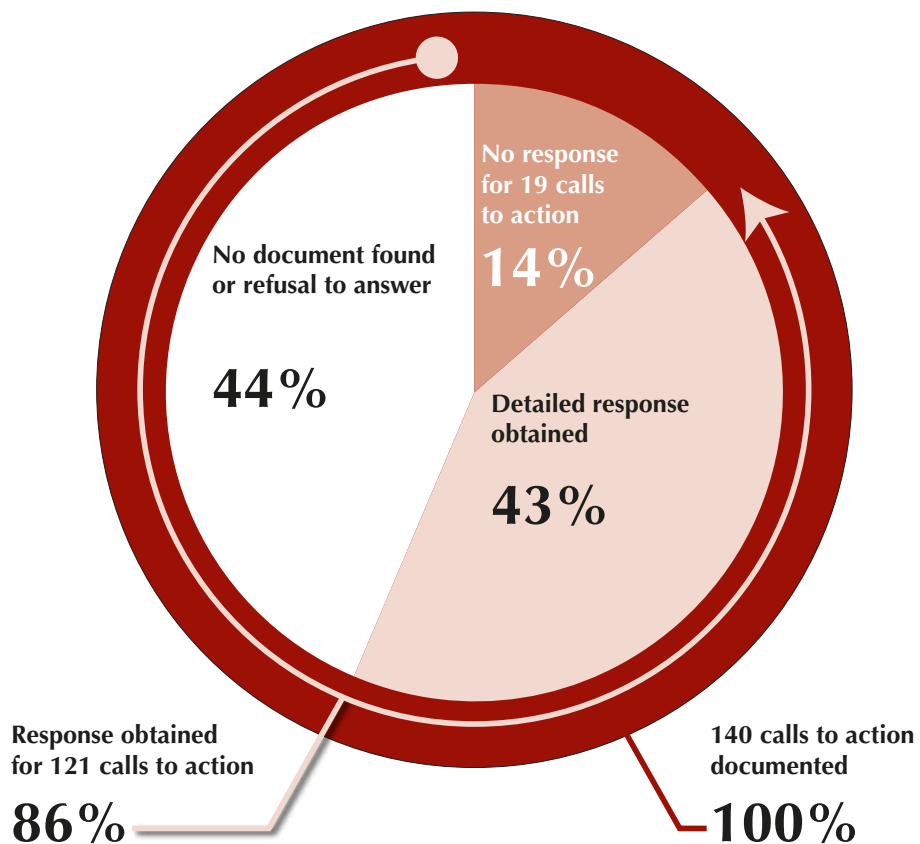


RESPONSES TO REQUESTS

Overview

Responses were obtained from the relevant government departments and agencies for 121 calls to action (86% of the documented calls to action). Of these responses, government agencies indicated that they could not find any documentation to provide for 13 calls for action and declined to respond to access to information requests for 48 calls for action. Thus, the Committee only received detailed responses with information about the recognition, implementation and additional actions taken for 60 calls to action.

For 19 calls to action (14% of documented calls to action), the Committee received no response from ministries and public services, despite being given several months to respond.





Collaboration from Public Bodies: Asymmetric Transparency

The various public entities that were approached participated in varying degrees in the Committee's process. While some, such as the École nationale de police, the Sûreté du Québec and various municipalities, disclosed many useful documents, other organizations, such as the Ministère de la Sécurité publique, did not respond to the access to information requests sent, despite being given four to six months to respond.

The Ministère de la Santé et des Services sociaux refused outright to provide access to all documents requested by the Committee, for the calls to action directed to them. The Department of Justice and the Director of Criminal and Penal Prosecutions cited various reasons for refusal under the Access Act but provided partial responses to the Committee.

The Aboriginal Affairs Secretariat provided the Committee with a comprehensive follow-up table on July 13, 2021, summarizing the steps taken by the Government to implement the calls to action.



ANALYSES AND FINDINGS

Statistical Portrait of the Implementation of the Calls to Action

The Committee recognizes that a purely accounting valuation of the implementation of calls to action would be neither practical nor desirable. Nevertheless, it believes that some statistics supported by qualitative analysis can help to understand the contours of a complex situation. A careful examination of the responses received, and public information has enabled the Committee to conclude that **a total of 5 calls for action have been the subject of measures that can be considered as being satisfactorily implemented at present⁵.**

The Committee also **noted that steps have been made towards 62 other calls to action and their implementation can therefore be considered initiated⁶.** However, the scope of these initiatives varies greatly. The Committee is aware that some calls for action require complex responses, the results of which can only be evaluated over the long term. For example, the allocation of an appropriate budget to conduct a status report on Indigenous police forces demonstrates that call to action 31, which addresses this issue, is well on its way to being fulfilled. Also, granting a budget to improve the remuneration of Gladue report writers is an important step in the completion of call to action 52.

However, in some cases, the measures proposed by ministries and other public entities are anecdotal, that is, they are actions that only marginally address the calls to action. In other cases, the proposed actions are not directly related to the calls to action they claim to address. For example, call to action 19 proposes to “create and fund permanent positions for liaison officers selected by Indigenous authorities” to ensure better interaction between stakeholders. The government’s responses argue that liaison officer positions already exist within public service institutions. However, the Viens Commission report explains that “although they may play a critical role, liaison officers on the public service payroll will always be perceived by Indigenous peoples as being on the side of their employers” and that “conversely, the idea of being able to count on a trustworthy individual directly in the community or in a familiar resource centre [...], seems quite promising⁷”. Thus, while various measures show a real commitment to implementing the calls to action, in other cases the actions taken seem rather minimal.

Finally, **for 75 calls to action⁸, there is no information indicating minimal or significant implementation**, either because no response was provided to the Committee or because of an express response from the department involved. That is, based on the available data, 75 calls to action do not appear to be implemented at all⁹.

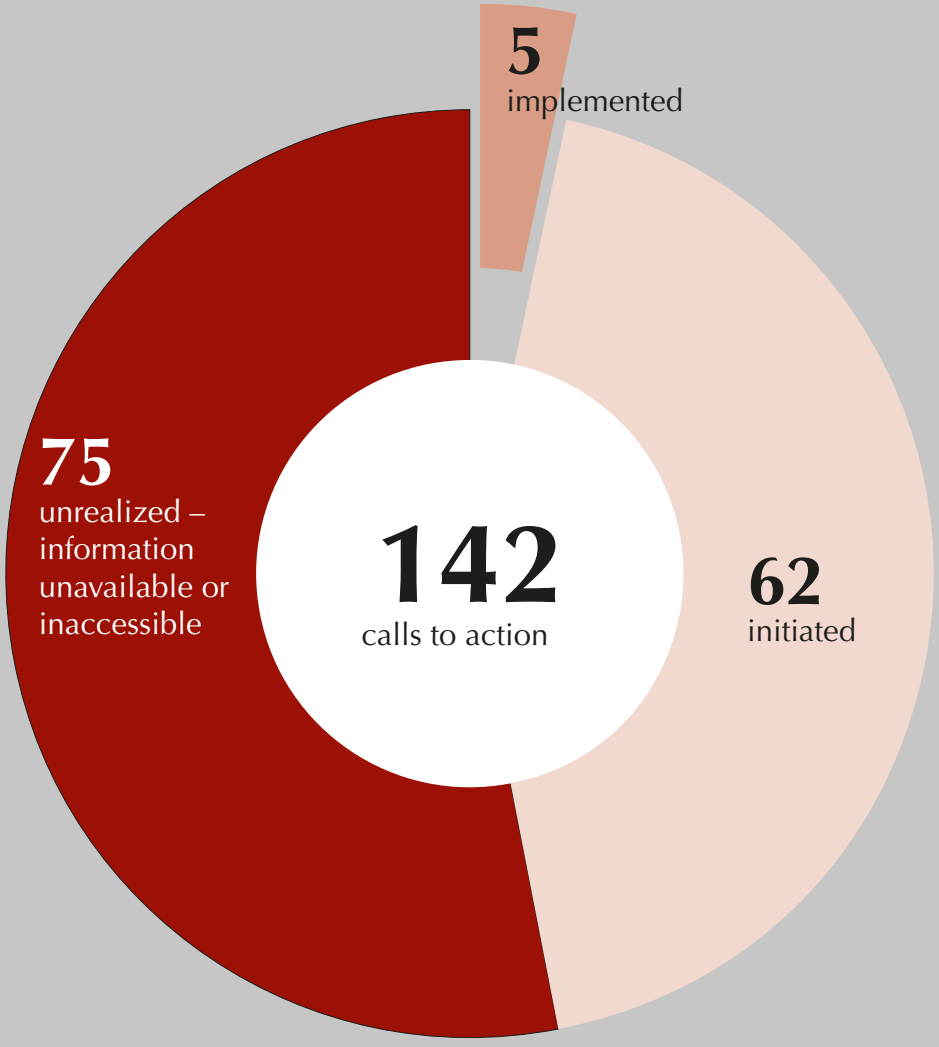
5 The calls that the Committee considers having been fulfilled are calls to action 1 (public apology), 2 (motion of the National Assembly for the United Nations Declaration on the Rights of Indigenous Peoples), 29 (funding for training of aspiring aboriginal police officers), 48 (amendment to the Code of Criminal Procedure to avoid imprisonment for non-payment of fines for vulnerable or homeless persons) and 51 (budget envelope for Gladue reports).

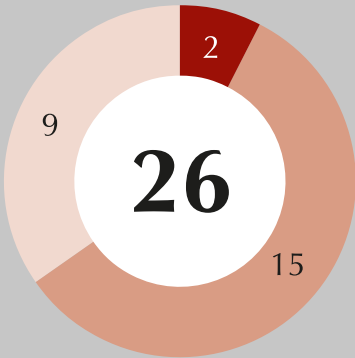
6 These are the calls to action 9, 10, 11, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 30, 31, 32, 35, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 49, 50, 52, 53, 54, 55, 56, 57, 61, 63, 64, 66, 68, 70, 71, 75, 76, 81, 86, 87, 88, 90, 94, 96, 97, 99, 106, 113, 120, 123, 130, 135 and 138.

7 CERP (2019). [Final Report](#), p. 246.

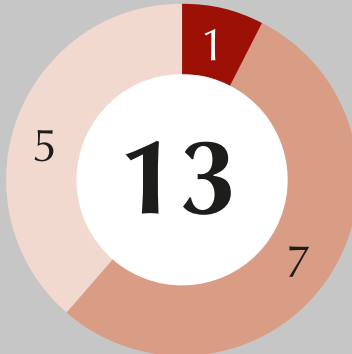
8 Recall that calls to action 7 and 24 are excluded from the analysis of results because it was not appropriate to document their implementation through access to information requests.

9 These are the calls to action 3, 4, 5, 6, 7, 8, 12, 13, 17, 27, 28, 33, 34, 36, 41, 58, 59, 60, 62, 65, 67, 69, 72, 73, 74, 77, 78, 79, 80, 82, 83, 84, 85, 89, 91, 92, 93, 95, 98, 100, 101, 102, 103, 104, 105, 107, 108, 109, 110, 111, 112, 114, 115, 116, 117, 118, 119, 121, 122, 124, 125, 126, 127, 128, 129, 131, 132, 133, 134, 136, 137, 139, 140, 141 and 142.

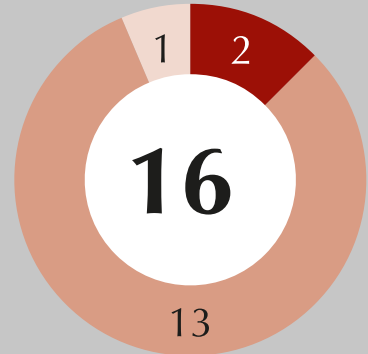




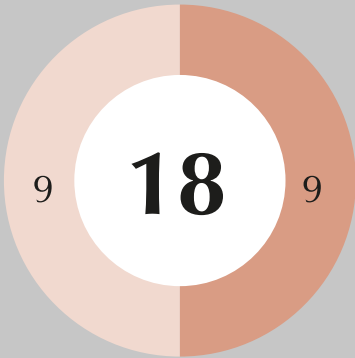
Cross-disciplinary



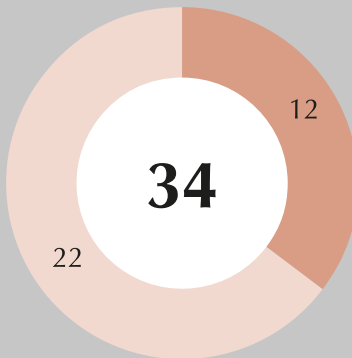
Police



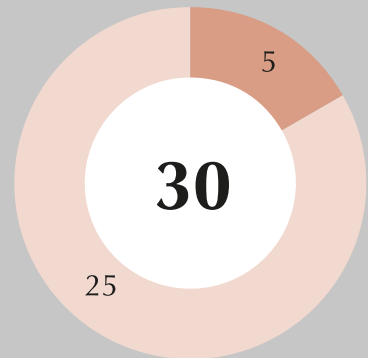
Justice



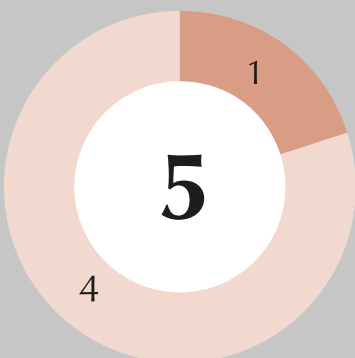
Correctional



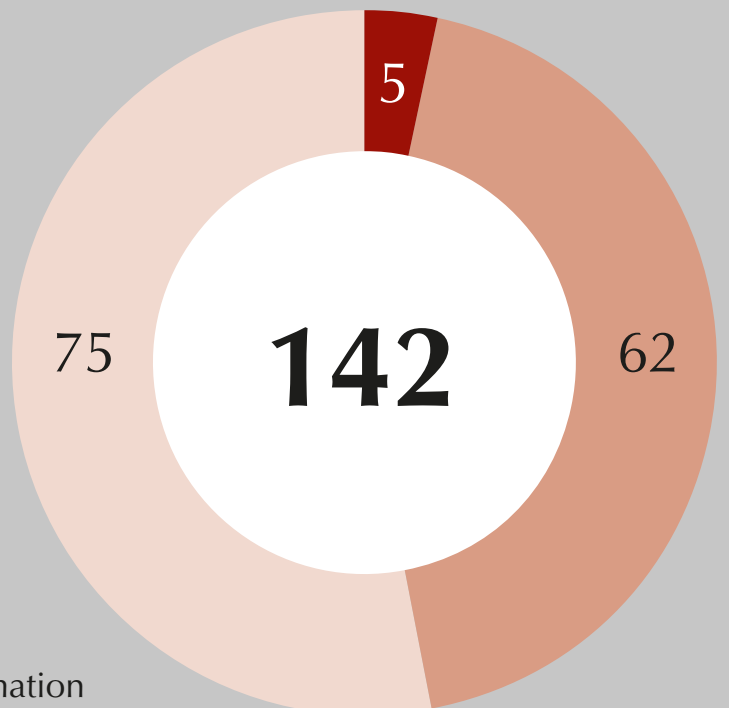
Health and social services



Youth protection services



Follow-up



- Calls implemented
- Calls initiated
- Unimplemented calls or inaccessible information



Introductory Findings

The Viens Commission report emphasizes that one of the causes of systemic discrimination against Indigenous people in Quebec is fragmented and unsustainable government action¹⁰. He reminds us that the essential principles for reconciliation include, in addition to self-determination, “taking concerted, systemic action” since “a systemic problem demands a systemic response”¹¹.

The Committee’s exercise found that while actions have been taken to implement the report, many are done in a minimal, piecemeal, and uncoordinated fashion. The refusal to implement call to action 3¹², which concerns the adoption of legislation to address the provisions of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), is a telling example. This action would have the potential to effectively support the recognition and protection of Indigenous rights by encouraging a sustainable transformation of the relationship with the province.

A total of \$200 million over a period ending in 2025 was allotted in the 2020-2021 Quebec budget for the implementation of the calls to action of the Viens Commission and the National Inquiry on Missing and Murdered Indigenous Women and Girls in Canada (NIMMIWG)¹³. According to the Aboriginal Affairs Secretariat 2021–2022 Supply Study (published in May 2021), 16 measures have been announced since October 2020, totalling investments of \$77.1M¹⁴. On September 17, 2021, the Aboriginal Affairs Secretariat stated that \$125 million was now committed to respond to the Commission’s calls to action¹⁵.

However, these measures do not always respond to the calls for action as formulated in the Viens Commission report. Several of them are more in line with the actions presented in the Government *Action Plan for the Social and Cultural Development of the First Nations and Inuit*¹⁶ adopted in 2017, well before the Viens Commission report was tabled. While some of these measures are no less relevant, others significantly skew the intent behind the calls to action they are supposed to address.

Findings on Cross-disciplinary Calls for Action

The first 26 calls to action in the Commission’s report are said to be cross-disciplinary, as they were conceived “consistent set of measures that will mutually reinforce each other as they are implemented”¹⁷. They target measures in training, language, education, housing, and data collection and access, among others.

Within a week of the report’s release, calls for action 1 (public apology from the provincial government¹⁸) and 2 (motion to recognize and implement the UNDRIP by the National Assembly¹⁹) were completed. However, the Committee notes that little progress has been made on the other

10 CERP (2019). [Final Report](#), p. 211.

11 Ibid, p.215.

12 Marceau, J. (January 21, 2021). [Non à un droit de veto pour les Autochtones, dit Legault](#), Radio-Canada.

13 Quebec Government. (March 2020). [Budget 2020-2021 : Votre avenir, votre budget](#), p.251.

14 Aboriginal Affairs Secretariat. Étude des crédits 2021-2022, p. 100.

15 Aboriginal Affairs Secretariat. (September 17, 2021). [Follow-up to the Viens Commission](#).

16 Aboriginal Affairs Secretariat. (2017). Do More, Do Better – Government Action Plan for the Social and Cultural Development of the First Nations and Inuit.

17 CERP (2019). [Final Report](#), p. 216.

18 [Journal des débats de l’Assemblée nationale du 2 octobre 2018, Vol. 45, No. 66](#).

19 [Journal des débats de l’Assemblée nationale du 8 octobre 2019, Vol. 45, No. 68; Journal des débats de l’Assemblée nationale du 27 novembre 2018, 42e législature, 1re session](#).



cross-disciplinary calls for action. In fact, according to the available documentation, 15 of them have been initiated²⁰, but sometimes in a very timid way. For example, Inuktitut signage in the Kuujuaq and Puvirnituaq courthouses is only a fraction of the response to call for action 15, which calls for bilingual or trilingual signage in all public service institutions serving an Indigenous population.

Furthermore, there is no information to suggest that 9 of the 26 cross-disciplinary calls to action have been initiated²¹ even though Commissioner Jacques Viens saw it as the “starting point for a process of profound change”²² to restore the bonds of trust with Indigenous peoples.

The Committee does, however, note some progress, such as the funding of community housing for urban Indigenous students (call for action 10), the training and hiring of ten Indigenous interpreters and the translation of certain forms from the judicial system into Indigenous languages (calls for actions 14 and 16), the launch of a societal campaign to raise awareness of Indigenous issues (call for action 20), and the revision of the Secondary 3 and 4 history programs in collaboration with Indigenous authorities (calls for action 21). The Committee can only hope that these advances are consolidated and continued.

Specific Findings for Each Public Service

The Commission's report goes on to formulate specific calls to action for each of the public services in question. Below are some non-exhaustive findings on the implementation of these calls for action.

Police Services

The final report of the Viens Commission noted that Indigenous policing services in Quebec are still considered merely “renewable programs” rather than an essential service²³, which implies recurring negotiations for adequate funding, training and budgetary resources.

In the past year, the government has set aside budgetary envelopes to respond to certain calls for action, such as the one calling for adequate funding for Indigenous police candidates (call for action 29), as well as the call for action in favour of regular and ongoing training in both French and English at the École nationale de police (call for action 30), which led to the translation of the investigator program into English. However, the analysis of the real needs of Indigenous police forces, an essential condition to truly respond to the calls for action in this sector, remains to be done. The budgets set aside for this purpose (call to action 31) should allow for interesting progress in the future.

Justice Services

The Committee highlights the public announcement of various funding envelopes for the implementation of certain calls to action, such as for the development of urban community justice programs, financial support for justice committees and the deployment of new committees, as well as increased compensation for Gladue report writers.

The Committee notes, however, that there has been little progress on the calls that are most likely to lead to autonomy in the area of justice, namely calls 40 (documenting and revitalizing Indigenous

20 These are the calls to action 9, 10, 11, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25 and 26.

21 These are the calls to action 3, 4, 5, 6, 7, 8, 12, 13 and 17.

22 CERP (2019). [Final Report](#), p. 216.

23 CERP (2019). [Final Report](#), p. 293.



law), 41 (creating specific justice administration systems) 42 and 43 (Indigenous community justice programs). In his report, Commissioner Viens noted that “the justice system has failed in its dealings with Indigenous peoples” and that experience has shown that “having Indigenous peoples adapt to the existing system is [not] the way to go.”²⁴ As a solution, he proposed to value the expression of Indigenous traditions in matters of justice by supporting the necessary self-determination of First Nations and Inuit²⁵.

Furthermore, vigilance is still required even for some calls to action that may be considered completed. The *Code of Penal Procedure*²⁶ was effectively amended to restrict imprisonment for non-payment of fines to situations where the defendant has refused or neglected to pay without reasonable excuse (call to action 48). Indeed, inability to pay is a reasonable excuse for those who are vulnerable, homeless or at risk of homelessness, as provided for in the call to action. However, responses from several municipalities to the Committee’s access to information requests reveal that warrants of imprisonment continue to be issued in several cities²⁷. The information obtained reminds us that it is essential to monitor the implementation of calls to action over the longer term.

Correctional Services

Little data is available on the status of calls to action in this area. The Committee notes the lack of cooperation from the Ministère de la Sécurité publique, which has not responded to access to information requests, despite a delay of several months. The information available to the Committee is therefore essentially limited to information made public by the AAS. Thus, only 9 calls to action appear to have been initiated.

Among the few measures that could be documented, we should mention the initiation of work to adapt the RBAC-PCQ assessment tool for Indigenous people (call for action 57) as well culturally comforting activities in detention (call for action 68). Collaborative agreements have been signed with Indigenous organizations and entities for support services in ten institutions. However, we have very little information on the scope and results of these initiatives.

24 CERP (2019). [Final Report](#), p. 293 et 305.

25 Ibid, p. 293.

26 [Code of penal procedure](#) (chapter C-25.1), art. 347.

27 From the time of the Viens report to June 1, 2021, the responses from the municipalities reveal that imprisonment continues in Joliette (77 warrants or sentences), Sept-Îles (36 warrants for 21 people), Quebec City (7 people) and Chibougamau (3 warrants). La Tuque and Val-d’Or responded that they have not issued any warrants of imprisonment since that date.



Health and Social Services

In these areas, the Ministère de la Santé et des Services sociaux blanket refusal to follow up on access to information requests limits the Committee's analysis. Nonetheless the Committee identified some initiatives, such as the creation of a guide on cultural safety²⁸, as well as the formation of an advisory committee to promote the implementation of a cultural safety approach in the health and social services network (Call to action 75). The Committee also highlights the \$27 million investment announced in May 2021 for the development of the Minowé Clinic at the Val-d'Or Native Friendship Centre and the implementation, elsewhere in Quebec, of urban clinics based on this cultural safety model. The impact of these measures has yet to be evaluated.

The Committee also notes several measures at the Joliette Hospital Center following the tragic death of Joyce Echaquan. Such progress is to be noted but does not seem to have been generalized in the other hospital establishments with a substantial Indigenous clientele. Furthermore, the Committee notes the Quebec government still refuses to recognize Joyce's Principle, which was developed by the Atikamekw Nehirowisiw Nation and "aims to guarantee all Indigenous peoples the right to equitable access, without any discrimination, to all health and social services, as well as the right to enjoy the highest attainable standard of physical, mental, emotional and spiritual health."²⁹

Youth Protection Services

Little data is available on the status of the calls to action in this sector, but some measures could be identified through public announcements and the Aboriginal Affairs Secretariat's data compilation document sent to the Committee on July 13, 2021. The Government of Quebec seems to be particularly focused on the adoption of a future reference framework on life projects for Indigenous children in youth protection. Work on this reference framework began in response to the legislative amendments to the *Youth Protection Act*³⁰ in 2007, which addressed, among other things, the notion of life project and permanency, and integrated maximum lengths of stay into the legislative framework. A working committee was set up in 2014, well before the work of the Viens Commission, but, at the moment, the framework is still not public. Furthermore, the Committee has questions regarding the inclusion in the framework of the new minimum standards set out in the *Act respecting First Nations, Inuit and Métis children, youth and families*³¹ (C-92), which are in force despite Quebec's challenge to the Act.

28 Ministère de la Santé et des Services sociaux. (March 2021). [La sécurisation culturelle en santé et en services sociaux - Vers des soins et des services culturellement sécurisants pour les Premières Nations et les Inuit](#).

29 Council of the Atikamekw of Manawan and Council of the Atikamekw Nation. (November 2020). [Joyce's principle](#)

30 [Youth protection Act](#), RLRQ, c. P-34.1.

31 [Act respecting First Nations, Inuit, and Métis children, youth and families](#), L.C. 2019, ch. 24.



The final report of the Viens Commission clearly stated the need to financially support and accompany communities that wish to take over youth protection services:

For all these reasons, it is necessary and urgent to reduce the control exercised by government officials. I believe that, by continuing to impose or develop policies that ignore the will of Indigenous people, the government is helping to keep communities fragile and merely delaying an internal transformation that is already well under way³²

The Committee notes, however, that no further action has yet been taken to support the implementation of calls to action 135, 136 and 137, which relate to the conclusion of care agreements. On the contrary, the challenge to the federal government's Bill C-92 before the Quebec Court of Appeal seems to send a mixed message about the willingness to support Indigenous self-determination in child welfare matters. This spring, the commissioners of the Special Commission on the Rights of the Child and Youth Protection (Laurent Commission) formally recommended "implementing the calls for action of the Viens Commission and NIMMIWG" and "supporting the right to self-determination and self-government in matters of youth protection."³³

32 CERP (2019). [Final Report](#), p. 459.

33 Special Commission on the Rights of the Child and Youth Protection. (April 2021). [Instaurer une société bienveillante pour nos enfants et nos jeunes. Rapport de la Commission spéciale sur les droits des enfants et la protection de la jeunesse](#), p.297 (our translation).



CONCLUSION

When the Committee initiated its data collection, there was no indication that other institutions would also actively monitor the Viens Commission's calls to action. Since then, the Quebec Ombudsman announced in June 2021 its intention to create an advisory committee and to monitor the implementation of the calls to action (as initially proposed in call to action 138)³⁴. In response to multiple access to information requests from this Committee, the Aboriginal Affairs Secretariat produced an initial table of government actions which was sent to this Committee on July 13, 2021, and then they released an enhanced table on September 17, 2021, announcing that it would be updated annually³⁵.

The Committee stresses the importance of these monitoring mechanisms, while reaffirming the relevance and necessity of an independent, attentive and diligent view by civil society and academics. The quality of public services provided by the Government of Quebec to Indigenous people and the fight against all forms of discrimination, including systemic racism, depend on the ability to critically examine the implementation of the calls to action.

This report does not pretend to provide a complete picture of government efforts to implement the Viens Commission's calls to action. Nevertheless, the Committee hopes that the information gathered will help inform public debate on these issues and that this report can serve as a relevant analysis tool for interested Indigenous individuals and organizations. It is ultimately up to them to evaluate and assess the government's commitments and actions in this area.

34 Quebec Ombudsman. (June 23, 2021). [Viens Commission: the Québec Ombudsman will oversee implementation of the calls to action.](#)

35 Aboriginal Affairs Secretariat. (September 2021). [Tableau de suivi des réponses aux appels à l'action de la Commission d'enquête sur les relations entre les Autochtones et certains services publics: rapport d'étape.](#)