

Exhibit P-28

**THE ACT TO AUTHORIZE THE COMMUNICATION
OF PERSONAL INFORMATION TO THE FAMILIES OF INDIGENOUS
CHILDREN WHO WENT MISSING OR DIED AFTER BEING
ADMITTED TO AN INSTITUTION**

SECRETARIAT AUX AFFAIRES AUTOCHTONES

2021-2022 ANNUAL REPORT

This publication was produced by the Secrétariat aux affaires autochtones in collaboration with the Direction des communications.

An accessible version is available online.

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To obtain additional information:

Direction des communications
du ministère du Conseil exécutif
et du Secrétariat du Conseil du trésor
1^{er} étage, secteur 400
875, Grande Allée Est
Québec (Québec) G1R 4Y8

Telephone : 418 643-2001

Fax : 418 643-3006

Website : www.quebec.ca

Legal deposit – April 2022

Bibliothèque et Archives nationales du Québec

ISBN 978-2-550-91715-1 (print version)

ISBN 978-2-550-91716-8 (electronic version)

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I. THE COMING INTO FORCE OF THE ACT

Historic overview of Indigenous children who went missing or died after being admitted to an institution

The establishment of the National Inquiry into Missing and Murdered Indigenous Women and Girls (NIMMIWG) was announced on August 3, 2016. The National Inquiry had a mandate to “look into and report on the systemic causes of all forms of violence against Indigenous women and girls, including sexual violence.”

In the context of its deliberations, several families testified in Québec on children who died or went missing in circumstances unknown to their families after being evacuated from the community for medical reasons or, more broadly, after being admitted to a health and social services institution.

The testimony revealed, by way of an example, that six Atikamekw babies evacuated for medical reasons between 1950 and 1960 went missing. In 1973, another Atikamekw newborn was evacuated to a hospital to be treated for pneumonia. His parents were informed one month later of his death. Other witnesses reported eight Atikamekw babies who went missing in the 1960s and 1970s, and an Innu child.¹

At the same time as the National Inquiry was pursuing its deliberations, Anne Panasuk, then an investigative journalist, revealed in a series of reports on the Radio-Canada program *Enquête* and in a podcast entitled “Chemin de croix” the disappearance between 1971 and 1972 of eight children from the Innu community of Pakuashipu after being hospitalized in Blanc-Sablon (Côte-Nord). She also reported on missing Atikamekw children.

The families that the NIMMIWG commissioners and Ms. Panasuk met generally reported their suffering but also that the institutions kept them uninformed of the death or disappearance of their children. Moreover, several witnesses mentioned the existence of contradictory or erroneous information transmitted to the families, which sometimes led to finding children that the families believed were dead:

“In the fall of 1958 and the summer of 1959, respectively, a one-year-old boy and his five-year-old sister went missing under similar circumstances at the Hôtel-Dieu hospital in Amos. Decades later, in 1996, the members of the family traced them to a hospital in Baie-Saint-Paul. They learned that the boy had died in 1965, not in 1958 as they had been told at the time. His sister was still alive and was 37 years old. She had been kept in the same hospital in Baie-Saint-Paul and was unable to walk or talk. This story, whose incredibility is surprising, raises doubts as to the fate of several children whose parents were told they were dead. Other witnesses are convinced that the babies were kidnapped to be used in medical experiments or sold to non-Indigenous families.” (NIMMIWG, Québec Supplementary Report, 2019, page 107).

1. NIMMIWG, *Reclaiming Power and Place, A Supplementary Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls Kepek-Quebec*, 2019, pages 109-110.



At the conclusion of the testimony from the families and the research conducted by the NIMMIWG team, the National Inquiry concluded that the parents who testified had not been informed of their children's state of health, that they were not considered when the question of the care to be given their children arose, and that they did not have the power to consent to the transfer of their children to specialized centers or long-term care facilities:

"When their children died, the parents were not told the truth about the circumstances of the deaths or where their children were buried. In almost all the situations examined, the bodies were never returned to the parents after death. The children's bodies were buried, but the family was not told where, or what funeral rite, if any, was performed. One of the children was found in a common grave years later." (NIMMIWG, Québec Supplementary Report, 2019, page 109).

At the conclusion of nearly three years of investigation, the NIMMIWG released its final report on June 3, 2019. The final report was accompanied by a supplementary report specific to Québec containing 21 calls for justice, one of which urged "the Quebec government to provide Indigenous families with all the information it has about children who have been apprehended following admission to a hospital or any other health center in Quebec." (Call for Justice 20)

The *Act to authorize the communication of personal information to the families of Indigenous children who went missing or died after being admitted to an institution* (the Act) stems from a desire to respond to this call and thereby humbly contribute to possible healing, in a spirit of respect for the families.

Context of the administration: from suffering to the quest for the truth

Families grieving an Indigenous child who died or went missing after being admitted to an institution frequently reported during the first months of the administration of the Act the need for information and answers to understand the circumstances that led to their children's absence. Certain families in recent years had already submitted their questions to the NIMMIWG committee members and shared with them their suffering. Others had undertaken, either alone or collectively, research in the institutions targeted to attempt to get answers. Still others, not knowing which organization to contact, remained silent, sometimes with a feeling of guilt.

Over the past seven years, numerous fact-finding commissions have made it possible in Québec and more broadly speaking in Canada to document, disseminate, and denounce the experiences of families and First Nations and Inuit communities in the



Blanket covered with soft toys and children's shoes at Lac Decelles in July 2021 to commemorate children who went missing or died (photo credit: Anne Panasuk).

20th century colonial context. In 2015, the Truth and Reconciliation Commission of Canada marked a basic milestone in the recognition of the traumatic events experienced by many children educated in residential schools and their families. The deliberations of the NIMMIWG (2019) and, almost simultaneously, of the Public Inquiry Commission on Relations between Indigenous Peoples and Certain Public Services in Québec (2019) were followed and rounded out several years later by the report of the Special Commission on the Rights of the Child and Youth Protection (2021), which devoted a major section to Indigenous children and families. Still more recently, working groups with targeted expertise have formulated several recommendations on violence affecting women and, more specially, First Peoples women. The tragic death in September 2020 of Joyce Echaquan rekindled painful experiences and sustained long-term fear of public institutions in the communities. Coroner Géhane Kamel's inquest report concerning the death of Ms. Echaquan tabled in September 2021 concluded that "the racism and prejudice that Ms. Echaquan faced certainly contributed to her death" [translation] and recommended, consequently, that the Québec government "recognize the existence of systemic racism in institutions and commit itself to contributing to its elimination [translation]."²



The Dubé family from Manawan at the Lac Decelles gathering (July 2021). From left to right: Simone Dubé, her mother Delima Flamand Dubé, who lost her daughter Violetta, and Thérèse Dubé (photo credit: Anne Panasuk).

At the heart of these major deliberations, the need to facilitate a quest for truth and restore the trust of the First Nations and the Inuit in Québec public institutions was repeatedly pinpointed as a condition for healing and a step toward the reconciliation of the families and the communities.

In this context and to promptly respond to Call for Justice 20 in the report of the NIMMIWG and the needs of the families concerned, in the fall of 2020 the Québec government proposed the inclusion of six amendments to Bill 31 (the *Act to amend mainly the Pharmacy Act for the purpose of facilitating access to certain services and to authorize the communication of personal information concerning certain missing or deceased Aboriginal children to their families*), which was then being studied. The six new sections were to facilitate access to certain information that the institutions held to enable the families to learn of the circumstances surrounding the disappearance or death of a child.

The initial amendments received a mitigated response from the Indigenous families and organizations. The Assembly of First Nations Quebec-Labrador (AFNQL) joined with the Québec Ombudsman to request that the First Nations and the Inuit participate fully in the consultations concerning the response to the bereaved families.

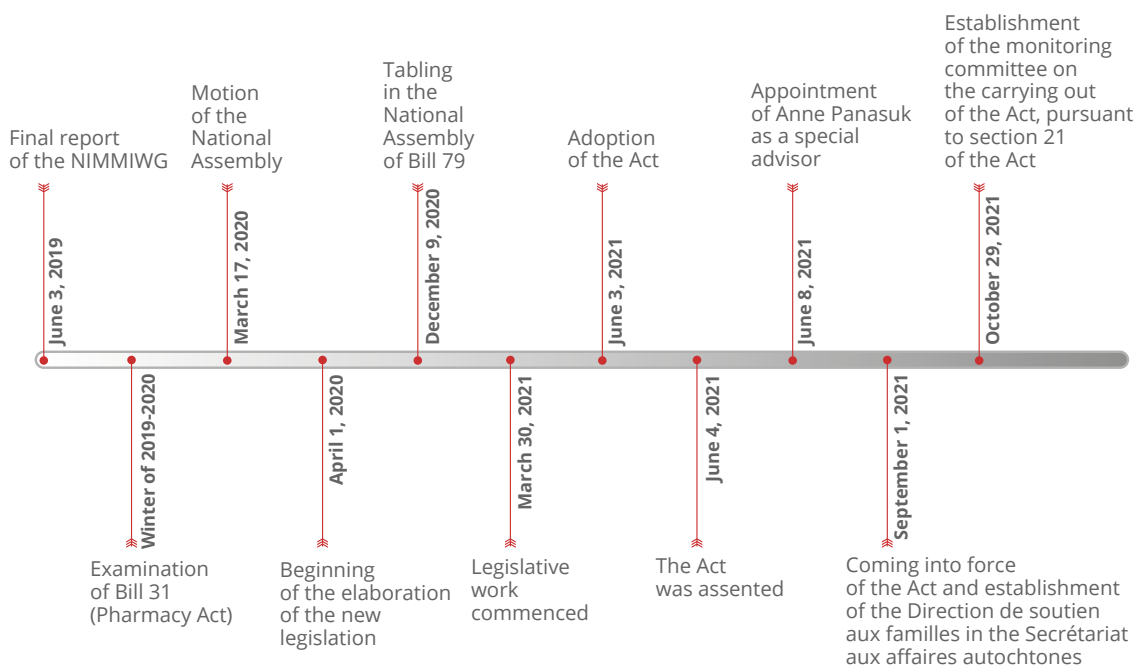
2. Bureau du coroner, *Rapport d'enquête POUR la protection de LA VIE humaine concernant le décès de Joyce Echaquan*, signed by Géhane Kamel, September 2021, page 21.



In a joint brief submitted with the First Nations of Quebec and Labrador Health and Social Services Commission (FNQLHSSC), it requested a separate bill to facilitate the implementation of a mechanism to afford access by the families to the personal information held by Québec government departments and bodies on Indigenous children who went missing or died. The requests were formulated to support those of the families, who would subsequently establish the Association des familles Awacak.

Bearing in mind these questions and given that the onset of the COVID-19 pandemic demanded the prompt sanction of Bill 31, the *Act to amend mainly the Pharmacy Act for the purpose of facilitating access to certain services and to authorize the communication of personal information concerning certain missing or deceased Aboriginal children to their families* was adopted then sanctioned on March 17, 2020 without the six sections devoted to Indigenous children.

The same day, the National Assembly adopted a motion calling for the government to undertake to table a separate bill stipulating the communication to their families of personal information concerning certain Indigenous children who went missing or died, thereby confirming its desire to elaborate a new bill in response to the needs of Indigenous families.



At the conclusion of nearly one year of deliberations, the National Assembly of Québec adopted the *Act to authorize the communication of personal information to the families of Indigenous children who went missing or died after being admitted to an institution* was adopted on June 3, 2021. Less than three months later, it came into force on September 1, 2021.

The Act in a nutshell

The Act seeks to support the families of Indigenous children who went missing or died in their search for information on the circumstances surrounding the children's disappearance or death after being admitted to an institution, bearing in mind the families' distinctive linguistic and cultural traits, and their psychological and spiritual needs.

Guided by a preamble that targets the families' quest for the truth, their healing process and reconciliation, the Act seeks to make accessible to the families certain information held by institutions, public bodies, and religious congregations to enable them to shed light on the circumstances surrounding the disappearance or death of a child. For the Act to apply the child must have been admitted to an institution prior to December 31, 1992.

Preamble to the Act

AS the circumstances under which Indigenous children went missing or died after they were admitted to a health and social services institution of Québec, while taken in charge for health reasons or after being evacuated without the presence of their parents, remain unknown to their families;

AS the National Assembly recognizes the suffering caused when a child goes missing or dies;

AS the National Assembly wishes to put in place a response to support Indigenous families in their quest for truth when they seek information on the circumstances under which an Indigenous child went missing or died and in their process of healing, and to embark on the path of reconciliation;

AS the National Assembly wishes to work in a spirit of cooperation with the Indigenous peoples, considering such aspects as their linguistic and cultural characteristics, and to keep Quebecers' collective memory alive.

The Act empowers the Minister Responsible for Indigenous Affairs (the Minister) to investigate institutions, bodies, or religious congregations when one or more factors suggest that information likely to reveal the circumstances surrounding the disappearance or death of an Indigenous child exists but has not been communicated pursuant to the measures that the Act stipulates.

What is more, with the goal of supporting the families' manifold needs, it allows for the implementation of culturally reassuring support measures. The measures, which are examined later, are made possible through the collaboration of an array of partners. They are intended to offer the families guidance and support throughout the process in a spirit of respect for their culture, language, and history.

Moreover, from the standpoint of their healing process, the Act provides for assistance for the families that so desire concerning a possible application for an order of disinterment.



Children's moccasins sitting on the version of Bill 79 under review (photo credit: Anne Panasuk).



Lastly, the Act stipulates that an individual can lodge a complaint with the Minister when the person is dissatisfied with the services received while seeking information from an institution, a body, or a religious congregation, and makes the Minister responsible for reporting on the administration of the Act in this annual report.

Partner organizations are at the heart of the Act's administration

Shortly after the Act was assented to, on June 8, 2021, Anne Panasuk, the Minister's first special family support advisor, was appointed. Its coming into force several weeks later was accompanied by the establishment of the Direction de soutien aux familles, a new administrative branch in the Secrétariat aux affaires autochtones (SAA), to ensure its administration.

In September 2021, the Association des familles Awacak, the first registered association comprising the families of Indigenous children who went missing or died, joined these core interveners responsible for applying the Act, supported by an array of partner organizations.

The special family support advisor

Anne Panasuk, a journalist who conducted investigations with Innu families in Pakuashipu and Atikamekw families whose children died or went missing after being hospitalized, was appointed a special family support advisor on June 8, 2021.

She has a mandate to guide and support the Minister Responsible for Indigenous Affairs in the administration of the Act by ensuring optimum relations and communications between the Indigenous families and the Québec government.

In collaboration with the family support team, she is responsible for:

- establishing and coordinating the monitoring committee on the carrying out of the Act stipulated by the Act;
- maintaining relations between the Indigenous families and the Québec government in the context of the administration of the Act;
- informing Indigenous families of the measures implemented to support their search for information, especially the procedure to follow in keeping with the Act;



Tour in the Côte-Nord region, Nutashquan (November 2021). Marie-Ange Malec (seated), surrounded by her daughter Marie-Josée Wapistan and her son-in-law Clément Peters. Seated near them, from left to right: Pierre-Paul Niquay (Awacak), Viviane Echaquan and special advisor Anne Panasuk (photo credit: Françoise Ruperthouse).

- supporting and advising officials in the administration of provisions in the Act, including those pertaining to the communication of personal information, the exercise of investigative powers, and the support mandate at the time of a disinterment;
- contributing to the elaboration, the dissemination, and the presentation of the annual report stipulated by the Act.

The Direction de soutien aux familles

Established on September 1, 2021, the Direction de soutien aux familles in the SAA has a remit to apply the Act in spirit of respect for the families' needs.

More specifically, it is responsible for:

- supporting the families in all their research efforts, including access-to-information requests, requests for civil status documents, and requests to public bodies and religious congregations;
- elaborating, in collaboration with the families, tailor-made research strategies that satisfy their wishes and objectives;
- coordinating the interdepartmental committee on the administration of the Act;
- coordinating networks of experts to support the administration of the Act;
- developing all procedures and relations aimed at establishing the expertise that the administration of the Act requires;
- communicating to institutions, government departments and bodies, and religious congregations information concerning the Act and its administration, and offering them training;
- communicating to partner Indigenous organizations information concerning the Act and its administration and possibly offering them training;
- coordinating the annual report.



Julie Martel, Acting Director of Family Support (left) and Florence Dupré, Family Support Coordinator (right).

The Direction de soutien aux familles is a permanent member of the monitoring committee on the carrying out of the Act. It collaborates with the families, the special family support advisor, the Association des familles Awacak, Indigenous organizations, and the institutions covered by the Act to fulfil its mandate.

The Director of Family Support, who reports directly to the Associate Secretary General, Indigenous Affairs in the SAA, supervises the Direction de soutien aux familles team, which also includes a coordinator responsible for the development and implementation of its key directions and should shortly hire new staff devoted to assisting families. The Direction de soutien aux familles has an initial budget of \$2 million over two years (2021-2023), announced in Budget 2021 of the Québec government.



The Association des familles Awacak

The Association Awacak was established by and for the members of families from the Indigenous nations whose children went missing or died. More specifically, the Association has a remit to:

- group together the families from Québec's Indigenous nations whose children went missing or died;
- help families from Québec's Indigenous nations to find their missing children;
- help families from Québec's Indigenous nations to determine the causes and circumstances surrounding the death or disappearance of their children;
- pursue all the sociological, anthropological, or legal research necessary to assert the rights of the families from Québec's Indigenous nations whose children went missing or died;
- make the necessary representations to all authorities to assert the rights of the families from Québec's Indigenous nations whose children went missing or died;
- defend and promote the interests of families from Québec's Indigenous nations whose children went missing or died;
- heighten the general public's awareness of the situation of families from Québec's Indigenous nations whose children went missing or died.



Members of the Board of Directors of the Association des familles Awacak at the gathering of families at Lac Decelles in July 2021 (photo credit: Anne Panasuk).

To attain these objectives, Awacak is working in collaboration with special advisor Anne Panasuk and the Direction de soutien aux familles.

Testimonial of the Niquay family from Manawan concerning the Association Awacak

"We belong to a family with two missing children who died in 1959 after being admitted to an institution. For years, like several Indigenous families in Québec, we experienced this trauma believing that we were alone. In February 2016, a family member participated in a consultation meeting on the preparation of the NIMMIWG to request with other families that the investigation include missing Indigenous children. The request was accepted. Our late oldest sister shared our story as a witness at the NIMMIWG hearings in March 2018 in Montréal.

A family member committed himself to act to group together the Indigenous families to establish the Association Awacak, a registered, recognized non-profit organization. We know that Awacak participated actively in the detailed examination of Bill 79 (2021, chapter 16) since it was adopted, assented to, and came into force on September 1, 2021. We believe that his contribution is noteworthy.

We have been members of the Association Awacak since September 2021. Awacak is providing us with emotional support, invaluable legal support, active listening based on a recognition of and respect for who we are and an understanding of what we are experiencing, since it is made up of families that are experiencing the same traumas as we are. Awacak is like a camp leader that takes care of its members. We share its outlook and together we are fulfilling its mission. Awacak is working through us, for us, and with us based on the principle of participative management and inclusion. Awacak is promoting a harmonious approach to consolidate trust in our relations with those who are administering Bill 79. It clearly represents the achievement of the call for action in the supplementary report of the NIMMIWG (Kepek-Quebec).

It has already been said that a child is a giant who becomes small by growing up. Awacak, “little beings of light,” will become a big light.

We had an intake interview with special advisor Anne Panasuk to complete the identification form for our missing or dead brothers, at which Mariette Niquay and Fernand Niquay were present. We asked Awacak to assist our family and that the information be shared with the Direction de soutien aux familles.

We would like to pay tribute to everyone who believed us and continue to believe that Awacak is an essential organization in the quest for the truth of Indigenous families, namely the APNQL, Quebec Native Women, all MNAs in the National Assembly, the Direction de soutien aux familles, the special advisor, and the Minister Responsible for Indigenous Affairs.”

Mariette Niquay
Fernand Niquay

The monitoring committee on the carrying out of the Act

Section 21 of the Act stipulates that “A monitoring committee on the carrying out of this Act, composed of representatives of various groups or of persons, is created by the Minister, in order to contribute to improving the services offered to the families of Indigenous children who went missing or died, in particular with regard to complaints and concerning the status of the processing of applications.”

Coordinated by special advisor Anne Panasuk, the monitoring committee was officially set up at its first meeting on October 29, 2021. It subsequently met on December 16, 2021 and on February 14, 2022.

The monitoring committee on the carrying out of the Act now comprises 11 permanent members, mainly representing organizations and members of the First Nations and the Inuit:

- Anne Panasuk, special advisor to the Minister Responsible for Indigenous Affairs;
- Julie Martel, Acting Director, Direction de soutien aux familles;
- Florence Dupré, Coordinator, Direction de soutien aux familles;
- Françoise Ruperthouse, Director General, Association Awacak;
- Marjolaine Sioui, Director General, First Nations of Quebec and Labrador Health and Social Services Commission;
- Marjolaine Etienne, President, Quebec Native Women;
- Florence Picard, legal affairs advisor, Regroupement des Centres d’amitié autochtones du Québec;



- Madeleine Basile, Regional Coordinator of Health Support Programs, Council of the Atikamekw Nation;
- Nicole Lascelle, Coordinator, Association des femmes inuit – Saturviit
- Dr. Stanley Vollant, Innu physician
- Richard Kistabish, an Anishnabe Elder and advisory aid.

In addition to the permanent members, there are four observers representing the opposition parties and the Commission des droits de la personne et des droits de la jeunesse, to which other representatives may be added in the coming months:

- Gregory Kelley, official opposition critic on Indigenous affairs, Québec Liberal Party;
- Manon Massé, spokesperson for the second opposition group on Indigenous affairs, Québec solidaire;
- Martin Ouellet, spokesperson of the third opposition group on Indigenous affairs, Parti québécois;
- Nicole Anne Vautour, Directrice de la protection et de la promotion des droits de la jeunesse, Commission des droits de la personne et des droits de la jeunesse.

The permanent members finalized the committee's mission statement at their December 16, 2021 working meeting. Appendix 1 indicates the mission statement and the full list of members.

Among its key attributions, the committee is responsible for monitoring the administration of the Act and formulating recommendations pertaining to it. The conclusion to this report presents its first recommendations.

