

J.B.N.Q.A. IMPLEMENTATION NEGOTIATIONS

POSITION PAPER

NO. 2

ADMINISTRATION OF CRIMINAL JUSTICE IN NUNAVIK

Presented by

MAKIVIK CORPORATION
on behalf of
Inuit of Nunavik

MARCH 1992

Note: This Position Paper is tabled without prejudice to such other and further claims which Makivik and/or Inuit of Nunavik may have with respect to the administration of criminal justice.

POSITION PAPER
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TABLE OF CONTENTS

	<u>PAGE</u>
INTRODUCTION	1
A. BACKGROUND TO ADMINISTRATION OF CRIMINAL JUSTICE IN NUNAVIK	4
B. BASES TO IMPLEMENTATION NEGOTIATIONS ON THE ADMINISTRATION OF CRIMINAL JUSTICE	7
C. OBJECTIVES OF IMPLEMENTATION NEGOTIATIONS REGARDING THE ADMINISTRATION OF CRIMINAL JUSTICE	10
1- Regionalization of justice services	10
2- A justice system which is "efficient", "accountable", "timely", "equitable" and "accessible" for Inuit of Nunavik	15
3- Culturally appropriate	16
4- Equality of justice services and standards	16
5- Comprehensive approach to administration of criminal justice	17
D. CURRENT PROBLEMS AND NEEDS IN NUNAVIK IN EACH MAIN COMPONENT OF THE CRIMINAL JUSTICE SYSTEM	19
1- Preventive measures	19
2- Substantive and procedural law and its application to Nunavik	25
3- Law enforcement	30
4- Legal Representation	39
5- Courts	43
6- Correctional Institutions and correctional services	54
7- Post-incarceration: facilities and programs	58
8- Youth offenders and youth problems	63

POSITION PAPER
ON
ADMINISTRATION OF CRIMINAL JUSTICE IN NUNAVIK

TABLE OF CONTENTS

	<u>PAGE</u>
E. RECENT INUIT RESPONSE TO JUSTICE PROBLEMS	70
F. RECOMMENDATIONS	73
Preventive measures	73
Substantive and Procedural law and its application to Nunavik	78
Law enforcement	83
Legal representation	85
Court System	88
Correctional facilities and services	94
Post-incarceration and alternatives to incarceration	98
Youth offenders and Youth problems	100
Government funding of Inuit Initiatives	104
CONCLUSION	106

POSITION PAPER
ON
ADMINISTRATION OF CRIMINAL JUSTICE IN NUNAVIK

A N N E X E S

	<u>PAGE</u> <u>REFERENCE</u>
ANNEX 1: Chapter 20 (Administration of Justice, J.B.N.Q.A.)	2
ANNEX 2: Chapter 21 (Police, J.B.N.Q.A.)	2
ANNEX 3: Recommendations contained in a policy document published in 1972 by the <i>Ministère de la Justice</i> entitled: " <i>The Administration of Justice beyond the 50th Parallel</i> ".....	4
ANNEX 4: Implementation agreement signed between Makivik Corporation and the Government of Canada on September 12, 1990, wherein a federal Solicitor-General/Justice Canada/Inuit Justice Working Group was established in Annex C thereof for the purposes of ensuring implementation of all federal obligations with respect to the administration of justice for Nunavik contained in the J.B.N.Q.A. and in federal policies and programs in general	6
ANNEX 5: Ciaccia letter to Makivik of May 24, 1990	7
ANNEX 6: Bacon letter to Makivik of May 25, 1990	8
ANNEX 7: A Memorandum of Agreement entered into between the Government of Québec and Makivik Corporation in October 1991, which Agreement provides for the establishment of the central negotiating table and sectorial tables referred to in letters of Ciaccia and Bacon (letters of May 24 and 25, 1990) and also establishes justice as one of the six (6) negotiating items to be dealt with on a priority basis through the negotiation process	8
ANNEX 8: Memorandum dated January 14, 1992 from Health and Welfare Canada to Ed Buller	20
ANNEX 9: Joint Canada/Québec Police Consultation Document dated June 21, 1990	32
ANNEX 10: Kativik Regional Government Resolution # 91-44 entitled "Concerning the establishment of a Regional Police Force"	35

POSITION PAPER
ON
ADMINISTRATION OF CRIMINAL JUSTICE IN NUNAVIK

A N N E X E S

	<u>PAGE</u> <u>REFERENCE</u>
ANNEX 11: Kativik Regional Councillors and Nunavik Mayors' Special Meeting on Public Security, April 2-4, 1991., Resolution re: "Implementation of a Regional Police Force"	35
ANNEX 12: Sections 369-377 of <i>An Act Respecting Northern Villages and the Kativik Regional Government</i> , L.R.Q., c. V-6.1.	35
ANNEX 13: Kativik Regional Councillors and Nunavik Mayors' Special Meeting on Public Security, April 2-4, 1991, Resolution re: "Incentive and Benefit for Local Constables"	38
ANNEX 14: Makivik Annual General Meeting Resolution #1990-M-2 (April 30-May 4, 1990)	70
ANNEX 15: Discussion Paper entitled "Plan of Operation: Inuit Justice Task Force" 1991	72
ANNEX 16: List of initial research topics on statistical and other research related to crime, recidivism, basic demographics and other social economic patterns of the Nunavik region	73
ANNEX 17: Recommendations excerpt from Rapport du Comité sur l'abus des drogues et de l'alcool (January 24, 1989)	75
ANNEX 18: C.R.S.S.S. Mental Health Report/Proposal entitled "Regional Service Organization Plan" and dated December 1991	76
ANNEX 19: Sommet de la Justice (1992): Aboriginal people and the Administration of Justice - Synthesis of the Proposition	81
ANNEX 20: Alternative Dispute Resolution Models 1, 2, 3	93
ANNEX 21: Makivik Youth Centre Implementation format	102

INTRODUCTION

Québec north of the 55th parallel (Nunavik) is a Region of vast area and natural resources but small population. The vast majority of the 7,000 inhabitants are Inuit who reside in fourteen communities scattered along the Hudson Bay, Hudson Strait and Ungava Bay coasts. One would think that the vastness and natural wealth of the Region as well as the small population would generate a positive socio-economic milieu: but, unfortunately, this is not the case. The Region and the Inuit face serious socio-economic problems. There is high unemployment; high levels of youth suicide; high levels of drug and alcohol abuse; very few economic opportunities even for those with education and training. The Region is also plagued with high transportation costs due to the lack of a Regional road system and an unduly high cost of living. There are very low levels of educational achievement within the existing system as well as a serious decline of traditional language and culture of the Inuit. There is an increasing dependance on welfare by the population. There has also over the last several years been a serious increase in the rates of crime in the Region.

All these current social, economic, cultural and political trends in northern Québec have put tremendous pressure on the existing resources for the administration of justice for the Region. The disproportionate numbers of Inuit involved in the criminal justice system and the serious relationship between alcohol and drug abuse and criminal activity in northern Québec strongly suggest that the present justice system cannot effectively address the needs of northern Québec Inuit with respect to the administration of justice. Moreover, it is not even clear that more of the existing resources - financial and otherwise - would provide the solution to the many problems. Indeed, many Inuit view the present justice system, even though it has operated for over 20 years, as strange and foreign to them. Nor are the above problems particular to only the Québec Arctic Region but exist as well in varying degrees in the N.W.T. as well. ¹

¹ See Colin Irwin, N.W.T. Study entitled "*Lords of the Arctic: Wards of the State*", 1989.

Though specific statistics on criminality in northern Québec are not presently available, aboriginal crime rates in Canada available from the federal Department of Indian Affairs and Northern Development indicate that Native crime rates are generally almost twice that of the national crime rate and for violent crimes, as much as three and one-half times the national rate.

The James Bay and Northern Québec Agreement of 1975 (J.B.N.Q.A.) attempted to address some of the problems and inadequacies of the administration of justice in northern Québec at the time. These provisions are contained in Chapter 20 (Administration of Justice) and Chapter 21 (Police).² Basically, these Chapters of the J.B.N.Q.A. contain the principles of increased Native participation in the administration of justice at the Regional level, greater accessibility of the justice system for the residents of the Region, Regionalization of justice, detention and police services, and a greater sensitivity of the justice system to cultural needs and practices of Inuit.

Though these are all very important principles, these Chapters of the J.B.N.Q.A., for the most part, remain unimplemented. This in part is due to the fact that the governments, both Québec and Canada, over the last 15 years have focused their efforts in improving the material and physical aspects of northern Québec life such as housing, health services, education services and general infrastructure. But the general socio-economic and cultural problems of the Inuit have not been addressed and the result is a northern justice system which is inadequate to meet the needs of the population and antiquated in comparison with alternative models of dispute resolution in practice currently in other jurisdictions in which aboriginal people constitute a majority population.

From the brief history below of change to the justice system in northern Québec over the last few years, it is apparent that the Government of Québec is aware of the need for change. There appears to be no lack of concern: simply a lack of motivation

2 See Annexes 1 and 2 for copies of these Chapters 20 & 21 of the J.B.N.Q.A., respectively.

to act upon such concern and invest the necessary resources, financial and human, in improving the administration of criminal justice in northern Québec.

A. BACKGROUND TO ADMINISTRATION OF CRIMINAL JUSTICE IN NUNAVIK

The first major effort by Québec to examine administration of criminal justice in northern Québec was a policy document published in 1972 by the *Ministère de la Justice* entitled: "*The Administration of Justice beyond the 50th Parallel*". This study was an effort to address the particular needs of the northern Regions and basically proposed the establishment of a circuit court for the north; the taking into account of the usages and customs of the aboriginal people of these Regions; and the establishment of an administrative structure to deal with justice in the north.³

As a result of this Report, an itinerant court began in October 1974 in the judicial district of Abitibi. However, it was not until 1980 that the judicial district of Abitibi was enlarged to include all of Nunavik, thus enabling the itinerant court to travel to all Inuit communities instead of just a few.

The recommendations of the 1972 Report also formed the basis for many of the provisions of Chapters 20 and 21 of the J.B.N.Q.A.

The degree to which the itinerant court has met any success in the Region is attributable more to the individuals who make up that court system rather than the policies and funding of the *Ministère de la Justice*. In fact, in many cases, the itinerant court manages to do its work despite those policies and funding. Severe financial and human resource shortages generated by this Department hamper and indeed threaten the continued work of the itinerant court. But more of the problems of the court system will be discussed later on in this Position Paper.

In April 1979, the *Ministère de la Justice*, the *Surêté du Québec* and the Kativik Regional Government created a Québec/Inuit Justice Working Group to advise authorities on administration of criminal justice in order to address problems related to the

3 See Annex 3 of this Paper for a copy of the Recommendations of this Report.

administration of justice in the Region and in particular implementation of Chapters 20 and 21 of the J.B.N.Q.A. (At that time there was no separate *Ministère de Sécurité Publique*). One of the focuses of this Committee has been to establish a Regional police force for the Region as provided for in Sub-section 21.0.1 of the J.B.N.Q.A. Though this Committee has functioned for more than ten years, for many reasons there is still no Regional police force for Nunavik. Indeed, as will be discussed below, police services in general remain inadequate for the Region. It should be noted that this Québec/Regional Government Committee was established despite the fact there is no obligation to do so in Chapter 20 of the J.B.N.Q.A. Under Chapter 18 (Crees) of the J.B.N.Q.A., there is provision for establishment of an advisory committee on justice (sub-section 18.0.37 of the J.B.N.Q.A.). The stimulus in part for establishment of the Québec/Kativik Regional Government Committee came from the 1976 Provincial Justice Consultative Meeting held in Québec the workshops of which recommended some type of on-going justice working group.

There was also a project to establish a local judiciary in the community of Povungnituk in 1985. This project was initiated in March 1984 when the Community Council of Povungnituk invited representatives of the itinerant court to discuss problems related to the administration of justice in the north (i.e., increasing crime). Representatives of the *Ministère de la justice* also attended this meeting. On the agenda of this meeting was a proposal to establish a local judiciary for Povungnituk. As a result of this meeting, two separate proposals for a local judiciary evolved: one drafted by the Honourable Jean-Charles Coutu and representatives of his itinerant court entitled "*A Proposals for a More Active Participation of Native Peoples in the Administration of Justice*" (February 1985) and one mandated by the Community Council of Povungnituk and drafted by two Povungnituk community members including Rita Novalinga, entitled "*Proposal made by the Inuit Community Council of Povungnituk concerning a local judiciary*" (March 1985). Both these proposals argued for a local judiciary which would take into account Inuit customs and traditions but they differed insofar as the degree of jurisdiction such local body should have. (Basically, the Coutu approach looked to a delegation of certain existing powers to local judiciaries whereas the Povungnituk approach sought more autonomy for such judiciaries. Both, however, supported the

notion of diversion from the existing system). Neither of the two proposals - the Coutu proposal and the Povungnituk proposal - received approval and consequently neither were ever put into practice.⁴

Pursuant to an implementation agreement signed between Makivik Corporation and the Government of Canada on September 12, 1990, a federal Solicitor-General/Justice Canada/Inuit Justice Working Group was established for the purposes of ensuring implementation of all federal obligations with respect to the administration of justice for Nunavik contained in the J.B.N.Q.A. and in federal policies and programs in general.⁵ This Committee invited the participation of the Government of Québec in all of its meetings and deliberations and with all these parties has met for over a year. The Committee has proven a useful source of information on the federal role and programs with respect to justice for aboriginal people generally in Canada and in particular, in Québec. The work of this Committee is ongoing and continues.⁶

More recently, Makivik and the Kativik Regional Government have created an Inuit Justice Task Force with a two-year mandate commencing in 1990 to educate, inform and consult the population of Nunavik on matters related to the administration of justice. It is hoped that these consultations will provide more direction to all organizations and governments involved in the delivery of criminal justice services to northern Québec. More will be said about this Inuit Justice Task Force below in Section E of the present Position Paper.

4 For a fuller analysis of these proposals see: ssDcc. *"Justice in Question: Evaluation of Projects to Create a Local Judiciary in Povungnituk"*, (northern Québec). September 1986.

5 See Annex 4 for a copy of this Agreement and Annex C of such Agreement.

6 See Canada/Inuit Implementation Agreement dated September 12, 1990 in Annex 4 of this Paper.

**B. BASES TO IMPLEMENTATION
NEGOTIATIONS ON THE ADMINISTRATION
OF CRIMINAL JUSTICE**

The bases for negotiation of implementation of the J.B.N.Q.A. with respect to the administration of criminal justice with Québec are as follows:

- 1- Chapters 20 and 21 contain specific obligations and undertakings by the Government of Québec with respect to the administration of criminal justice. Moreover, these two chapters of the J.B.N.Q.A. also contain important principles which Québec has agreed to promote in regard to the administration of justice in the Region. These principles include Regionalization of justice services; greater accessibility of the justice system to the Inuit; greater sensitivity of those working within the justice system to Inuit "*usages, customs and psychology*"; greater accessibility to the justice system by Inuit; increased education and training programs for Inuit for functions within the justice system; closer proximity of both police and detention services for the Region and its inhabitants.

The J.B.N.Q.A. of 1975 is a treaty pursuant to Section 35 of the *Constitution Act, 1982*. As such, the Supreme Court of Canada (*Sparrow* case) has made it clear recently that these treaty rights override any provincial or federal legislation that infringes upon these rights. It is our view that this applies to both the letter and spirit of these chapters.

- 2- Letter of May 24, 1990 from the Honourable John Ciaccia to Makivik Corporation⁷ in which the Government of Québec confirms its agreement to the establishment of a central negotiation table which would deal with the review and implementation of the J.B.N.Q.A. as well as with a negotiated form of self-government. Among other undertakings

7 See Annex 5 of this Position Paper for a copy of this letter.

in that letter is the undertaking by the Government to work jointly with the Inuit on the following:

"Appropriateness of Regionalizing the administration of justice and public security through formulas adapted to the northern situation should be examined jointly".

A similar undertaking appears in a letter from the Honourable Lise Bacon to Makivik Corporation dated May 25, 1990.⁸

Makivik Corporation and the Kativik Regional Government are examining this principle of regionalization of the administration of criminal justice and public security in its broadest sense in an effort to develop models appropriate to Inuit and the Region.

- 3- A Memorandum of Agreement was entered into between the Government of Québec and Makivik Corporation in October 1991,⁹ which Agreement provides for the establishment of the central negotiating table and sectorial tables referred to in the above letters of Ciaccia and Bacon. More particularly, this Agreement repeats the undertakings contained in the Ciaccia and Bacon letters of May 24 and 25, 1990 and also establishes justice as one of the six (6) negotiating items to be dealt with on a priority basis through the negotiation process.
- 4- The aboriginal-Crown relationship is one in which the Crown has a fiduciary obligation for aboriginal peoples. Recently, the Supreme Court of Canada in the *Sparrow* case,¹⁰ declared that the nature of this fiduciary obligation is connected to the concept of holding the Crown to a high standard of honourable dealing with respect to the aboriginal peoples of Canada. From this decision it is clear that both the federal and

8 See Annex 6 of this Position Paper for a copy of this letter.

9 See Annex 7 of this Position Paper for a copy of this Memorandum of Agreement.

10 R. v. Sparrow, [1990], 1 S.C.R., 1075.

provincial governments possess fiduciary obligations for aboriginal people. These obligations are now entrenched constitutionally in Section 35 of the *Constitution Act, 1982*. In other words, because of this interpretation of the fiduciary obligation, Québec clearly has a duty to act as fiduciary in advancing the interests of northern Québec Inuit in regard to all matters related to the administration of justice for the Region.

C. **OBJECTIVES OF IMPLEMENTATION
NEGOTIATIONS REGARDING THE
ADMINISTRATION OF CRIMINAL JUSTICE**

The following are the objectives of implementation negotiations regarding the administration of criminal justice for the Region:

1- **Regionalization of justice services**

This approach is contemplated in the Ciaccia and Bacon letters referred to above and involves, from our perspective, the provision of justice services for the Region and from within the Region. This objective may be achieved through the combination of two (2) approaches: (a) restructuring of existing criminal justice services for the Region; and (b) development of alternative systems for justice services for the Region.

The restructuring approach involves working with the existing justice system, changing it and amending it so as to make it more accessible and responsive as well as fair to aboriginal peoples. Some have referred to this approach as *aboriginalizing* the existing system by incorporating more Inuit into it through the use of affirmative action and other programs. Some of our recommendations below follow this approach.

The approach involving the development of alternatives to the existing justice system involves the development of models within each of the major components of the justice system (i.e., courts; detention; post-detention, etc.) which respond directly to the traditional customs and practices and current needs of the Inuit. These models are premised on local control of and responsibility for justice services. Rather than contradict the Inuit cultural views of justice, these models would be consistent with them.

More particularly, the report of the Aboriginal Justice Inquiry of Manitoba (1991)¹¹ explains these cultural differences and the meaning of justice as follows:

"At the most basic level of understanding, justice is understood differently by aboriginal people. The dominant society tries to control actions it considers potentially or actually harmful to society as a whole, to individuals or to the wrongdoers themselves by interdiction, enforcement or apprehension, in order to prevent or punish harmful or deviant behaviour. The emphasis is on the punishment of the deviant as a means of making that person conform, or as a means of protecting other members of society.

The purpose of a justice system in an Aboriginal society is to restore the peace and equilibrium within the community, and to reconcile the accused with his or her own conscience and with the individual or family who has been wronged. This is a primary difference. It is a difference that significantly challenges the appropriateness of the present legal and justice system for Aboriginal people in the resolution of conflict, the reconciliation and the maintenance of community harmony and good order."

Alternative models to the court system and to current detention facilities can be developed for the Region and even for different communities within the Region. Development of such models is fully consistent with the Inuit right to self-government and with Inuit customs and traditions generally. The adoption of such models may require the transfer of some law-making powers to the Nunavik region by both Canada and Québec. It may also require the development of a "Charter of Inuit Rights and Freedoms" to oversee the operation of these models.

Regionalization of criminal justice services, whether accomplished by restructuring or by the development of alternative models or by both, will eventually mean a separate justice system for Inuit in northern Québec. However, this notion of separateness does not necessarily mean a cutting of all links with the existing criminal justice system applicable

11 Manitoba. *Report of the Aboriginal Justice Inquiry of Manitoba*. Volume 1: The Justice System and Aboriginal People. 1991 at 22.

throughout Québec. What is intended here is the development of a Regional system in which Inuit have greater participation, over which Inuit have a greater amount of control, and which is generally more understandable and accessible to Inuit.

There is already widespread support for the establishment of separate aboriginal justice systems. Provincial and federal government justice commissions, committees and inquiries have over the last five years overwhelmingly supported the concept of separate aboriginal justice systems, in particular, separate aboriginal alternative dispute resolution mechanisms to replace or supplement the existing court system.¹²

12 **Law Reform Commission of Canada.** *Report on Aboriginal Peoples and Criminal Justice - Equality, Respect and the Search for Justice*, Report # 34, 1991 at 13-23 and 95-105; **Canadian Bar Association.** *Report of the Canadian Bar Association Committee on Aboriginal Rights in Canada: An Agenda for Action*, Ottawa, 1988 at 99-103; M. JACKSON, *Locking Up Natives in Canada - A Report of the Committee of the Canadian Bar Association on Imprisonment and Release*, 1988 at 107-110; **Department of Justice Canada.** *Aboriginal People and Justice Action.* A Discussion Paper, Sept. 1991, Iqaluit, N.W.T. at 16, 17 and 65; **Juge Jean-Charles Coutu.** *L'Administration de la justice par les autochtones.* Association Henri Capitant, Journée Capitant, Université de Montréal, 12 avril 1991 at 28-35; **Québec Department of Justice,** *Coordination of departmental activities among the Native peoples.* S. BOUCHARD et C. PELLETIER, *Justice in Question.* Evaluation of projects to create a local judiciary in Povungnituk, 1986 at 60; **Manitoba.** *Report of the Aboriginal Justice Inquiry of Manitoba*, 1991, Volume 1 at 733-735; **Ontario.** *Agreement between the Ontario A-G and the City of Toronto, the Sandy Lake First Nation and the Attawapiskat First Nation*; **Ontario Osnaburgh-Windigo Tribal Council Justice Review Committee**, 1990 at 59; **Ontario Native Council on Justice.** J. Rudin and D. Russell, 1991 *Native Alternative Dispute Relocation Systems: The Canadian Future in Light of the American Past* at 183-209; *The Native Justice of the Peace.* An under-employed natural resource for the criminal justice system. August 1988 at 127-136; **Nova Scotia.** *Royal Commission on the Donald Marshall, Jr., Prosecution, Vol. I: Findings and Recommendations*, Nova Scotia, 1989 at 168-171; **Alberta.** Report of the Task Force on the Criminal Justice System and its impact on the Indian and Métis People of Alberta, *Justice on Trial*; March 1991 Vol.1, at 4-12, 4-13 and 4-40; **Saskatchewan.** Joint Canada-Saskatchewan - F.S.I.N. *Studies of Certain Aspects of the Justice System as they Relate to Indians in Saskatchewan.* Working Papers prepared for the Working Group on Justices of the Peace/Peacemaker at 8-13.

The need for alternative systems as opposed to simple restructuring approach of the existing system is also underlined by Jacques Prigent in a 1986 Discussion Paper undertaken for the *Ministère de la justice*.¹³ After an extensive review of justice systems from Greenland, Australia, New Zealand, the United States, Alaska and Canada, Prigent concludes as follows:

"Recommendations should not be made lightly. However, if progress is to be made, the Ministère de la justice must:

- 1- clearly define a policy designed to guide the Department's different personnel involved in the choice of initiatives to be granted Native communities regarding the administration of justice;*
- 2- take into account the realities and constraints of isolated Regions when re-appraising justice systems;*
- 3- avoid implementing or amending justice programs without the participation of the group's concerns;*
- 4- refrain from developing programs which are a mere alternation or re-arrangement of systems already in trouble. On the contrary, the Department must review in depth justice intervention in isolated territories of Québec, encourage Native initiative and provide adequate technical and financial support."*

Major change and major reform of justice services for aboriginal people are also the conclusions of the *Ministère de la Justice* as recently as October 1991:¹⁴

"Conclusion. All these problems affecting aboriginal people and workers concerning the administration of justice clearly show that it has become urgent and necessary to propose a major reform in this field. The courts must become more accessible to aboriginal people and, more importantly, aboriginal people must become more involved."

13 Government of Québec. *Ministère de la justice*. Jacques Prigent, *A History and Analysis of Native Justice Systems in Some Countries* (Discussion Paper). December 1986 at 103-104.

14 Government of Québec. *Ministère de la Justice*. *Aboriginal People and the Administration of Justice: the current situation*. Discussion Paper 2.4. *Sommet de la justice*, October 1991, at 11-12.

It would be advisable to consider new approaches in the field that would enable aboriginal people to recover social control in their communities and themselves carry out legal activities. The Criminal Code, the Young Offenders Act, the Courts of Justice Act, the Indian Act and the Cree-Naskapi (of Québec) Act allow for only very limited involvement by aboriginal people in the legal process. The Justice Summit provides aboriginal people in Québec with the opportunity to participate in preparing models that might restore community social control that has been lost or difficult to exercise for many years.

Throughout this reflection, consideration should be given to the different perspectives of a macro-society on the one hand, and a micro-society on the other, of a society that stresses individual rights and a justice system based on punishment, and a society that favours collective rights and a conflict resolution system focused on mutual help and reconciliation.

Starting from the principle that a legal structure is a mechanism for conveying and judging the values of a society as adopted and accepted, it may be appropriate to develop certain mechanisms promoting the creation of new structures better adapted to the needs of aboriginal societies, drawing on their participation and thoroughly aboriginal in character. The Justice Summit, by means of the subject on the administration of justice in aboriginal communities, is a special opportunity for the aboriginal people of Québec to express their viewpoint."

It is also noteworthy that Québec has prepared a draft *Plan intervention* which sets forth a number of forms of alternative dispute resolution mechanisms for possible use in the 53 different aboriginal communities of Québec. Though numerous requests have been made by Makivik as well as the Inuit Justice Task Force to the Québec Minister of Justice for a copy of this draft in order to use it in consultations with the communities, we have never formally been provided with a copy of this document nor has Québec ever indicated whether it intends to consult the Inuit on the principles, concepts and mechanisms in this document or even whether it intends to proceed with implementation of this document.¹⁵

15 The *Ministère de la justice* refers to this document as the "*Plan intervention*" and it appears to have been created sometime in 1989. Numerous individuals both within and outside the government appear to be familiar with the contents of the document but no one appears to have ever been provided directly with a copy by Québec. The *Ministère de la justice* has explained that until this proposal receives Treasury Board approval, it cannot even be considered as a draft document and cannot be circulated.

2- A justice system which is "efficient", "accountable", "timely", "equitable" and "accessible" for Inuit of Nunavik

This objective can only be met if Inuit perceive justice as something over which they have control and which they deliver within the community to their peers as opposed to something that flies in on an airplane for a few hours every few months.

By efficient we mean a system which operates within reasonable time limits and budgetary limits. It has to be justice delivery at a certain cost; not at any cost. Meeting this objective requires experienced budgeting and creativity in cost-solving mechanisms. It means using resources efficiently and finding ways of cutting time delays. For example, this may mean that local court facilities are designed for multi-purpose use as opposed to a sole justice use.

By accountable we mean a system which is visible and answerable directly to those it serves: not a system wherein most of the decision-making is incomprehensible or invisible or both. Accountability has to be achieved in many ways including written reasons for decisions; translation of documents into Inuktitut; adequate availability of interpreters at every stage of the justice system, etc.

By timely we mean a system which has sufficient flexibility to intervene and act without undue delay.

By equitable we mean a system which treats all individuals in an equal manner while at the same time attempting to take into account their particular problems and circumstances. We also mean a system which not only acts fairly but also acts in a manner so as to be perceived as fair. This distinction should not be under-estimated. Unless the population perceives the justice system as a fair one it will not receive the respect

and credibility it so requires to function effectively. It is only in this way that the population will perceive the justice system as having legitimacy.

By accessible we mean a system which is not remote physically, culturally or financially from the population: a system to which the population can easily relate and with which it can identify as serving its needs and which it can afford.

3 - Culturally appropriate

Every society lives according to rules and laws. But compliance by members of that society with those rules and laws depends upon the degree to which they perceive them as legitimate. Unless the administration of justice and the laws and rules to which it applies are relevant to the cultural traditions and customs of Inuit, they will continue to confuse the population and lack legitimacy in their eyes. Any restructuring or developing of alternative approaches must incorporate, to the extent possible, Inuit customs and traditions and values. These do not necessarily have to replace the existing values as reflected in current Charters but can conceivably supplement them.

4 - Equality of justice services and standards

One of the objectives surely of this implementation process with respect to the administration of justice for Nunavik must be to ensure that the quality and level of services provided to the Region are at least equivalent to those in other parts of Canada. It is highly inequitable to continue with the problems described below in our justice system in Nunavik when other parts of the country have the necessary resources, financial and otherwise, to provide adequate justice and security services to the population. It is significant in this regard that the Law Reform Commission

of Canada in its recent Report entitled *Aboriginal peoples and criminal justice*¹⁶ concludes as follows:

"The criminal justice system must provide the same minimum level of service to all people. In practice, the system sometimes fails to achieve this goal. The level of service in inter-action with police, in access to Legal Aid and in assisting with comprehension of the court process, among other areas, is not equal among all groups in society, and in particular among aboriginal people. To the extent that formal equality does not exist, it must be brought about.

Further the criminal justice system must treat aboriginal persons equitably and with respect. These objectives requires that cultural distinctiveness be recognized, respected and, where appropriate, incorporated into the criminal justice system. Differences between members of various groups must be considered by police, prosecutors, defence lawyers, judges, legislators and all other participants in the criminal justice system. Indeed, the structure of the criminal justice system itself must be adjusted to allow greater recognition of those differences. Justice can no longer be blind. Justice must open her eyes to the inequities to society and see to it that they are not mirrored in the criminal justice system."

5- Comprehensive approach to administration of criminal justice

Without a comprehensive approach to the criminal justice system in northern Québec, it is impossible to make significant improvement to the system. More particularly, the justice system in Nunavik consists of the following main components and the specific problems and needs of each of these components must be adequately addressed in order to alter and improve the overall system.

- prevention
- substantive law and procedure
- law enforcement
- legal representation
- court system
- correctional institutions and corrections
- post-incarceration (probation; parole)
- youth offenders and related youth problems

16 Canada. Law Reform Commission of Canada. Report on *Aboriginal Peoples and Criminal Justice*. Report No. 34. 1991 at 11-12.

All the above main components of the criminal justice system interact and are inter-dependant. Major failures or difficulties in any particular component drag the rest of the system down. For example, if preventive measures against crime are non-existent or inadequate at the community level, there is a tremendous amount of pressure upon the police and the courts to play the role of maintaining social order in the communities. Another example is that if police services are inadequate or non-existent at the community level, the burden falls upon the mayor of a community or the local social worker to play a police role in crisis intervention, for example. The local mayor or local social worker is compelled to perform this role in addition to his or her other normal duties which over a continued period of time will overburden and exhaust and perhaps "burn out" those individuals.

The justice system can only work effectively if each of the main components is working effectively. For each component to work effectively, individuals within those components must have the necessary training and resources to carry out their functions. Weakness and deficiencies within one component puts undo pressure on other components: eventually the entire system becomes distorted and overburdened and eventually collapses. To the large extent this is what has happened in regard to the administration of justice in Nunavik.

Consequently, a central objective of these implementation negotiations on justice must be to address the problems in all components of the system rather than simply finding "band-aid" solutions to only certain problems within certain components. Until government recognizes that a comprehensive approach to these problems is the only viable one, no meaningful change or improvement to the system can take place.

**D. CURRENT PROBLEMS AND NEEDS IN
NUNAVIK IN EACH MAIN COMPONENT OF
THE CRIMINAL JUSTICE SYSTEM**

The analysis here proceeds by examining each main component of the criminal justice system in Nunavik and providing a brief description of which types of resources presently exist in each component and a brief description of the problems and needs in each of those same components.

1- Preventive measures

Preventive measures at the community level include adequate recreational facilities for youth; drug and alcohol rehabilitation programs facilities for both youth and adults; psychological and social work resources for individual, family and community problems; education programs and facilities with respect to alcohol and drug abuse, sexual abuse, family violence, sexuality and sexual diseases, etc. Unless resources and facilities exist at the community level on a permanent basis with adequate programs, staff and infrastructure, prevention will remain only a dream which will never materialize. It is well known that the cost of effective prevention of crime and related social problems is far less in the long run than the costs of dealing with crime and problems which cannot be the object of prevention.¹⁷

17 Note that many of these problems have been identified by a Québec Interministerial Committee in 1989. See Gouvernement du Québec Ministère du Conseil exécutif Secrétariat aux affaires autochtones Ministère de la Sécurité publique Bureau du sous-ministre *L'Abus des Drogues et de l'Alcool chez les Cris, les Inuites et les Naskapis. Rapport du Comité interministériel sur l'abus des drogues et de l'alcool.* January 25, 1989.33

Problems:

Current prevention resources in the communities of Nunavik are scarce or non-existent. Moreover, several social problems and shortages of services further hinder prevention.

**Lack of
treatment for
drug and
alcohol
abuse**

- (1) With regard to drug and alcohol abuse, though N.A.A.D.A.P. provides some funding annually to the Region, the amounts (1991-92 contribution: \$600,000) are only enough to let the local alcohol and drug abuse committees in a few communities¹⁸ hand out a few prevention pamphlets and provide only the most rudimentary prevention information to community members. Treatment and substantive research are not possible with this level of funding.

As of January 7, 1992, there are only three (3) Aboriginal Substance Abuse Treatment Centres in Québec. These centres, funded by Addictions and Community Funded Programs of Health and Welfare Canada, are not in the Nunavik Region. (Moreover, the Isuarsavik Support Centre, Inc. no longer exists).¹⁹ The *Ministère de la Santé et des Services sociaux (MSSS)* has no significant funds for either prevention or treatment of drug and alcohol abuse victims.²⁰

18 Note that though each community has established informal alcohol and drug committees, only a few receive NAADAP funding.

19 See Memorandum dated January 14, 1992 from Health and Welfare Canada to Ed Buller attached hereto as Annex 8.

20 See *Rapport du comité interministériel sur l'abus des drogues et de l'alcool*. 1989 at 13, op cit, note 17.

Even community efforts to control alcoholic beverages by by-law have received no meaningful support from either the *Ministère des Affaires municipales* or the *Sûreté du Québec*.

Lack of
adequate
recreational
facilities
and services

(2)

With respect to recreational facilities, Makivik Corporation under its Nunavik Recreational Infrastructure Program and without any government assistance undertook and completed construction of recreational facilities (community centres or arenas) in nine of the fourteen Inuit communities of Nunavik during the year 1990.. This was done at a cost of approximately \$14 Million. Other than existing school gymnasiums, no other significant facilities are available for cultural or recreational activities for youth or adults in the communities.²¹ The school gymnasiums are normally not available to public use due to the needs of the school for those facilities. The Makivik-built facilities are the following: arenas were built in Kangiqsualujjuaq, Povungnituk, Aupaluk, Kangirsuk, Kangiqsujuaq, Tasiujaq; community centres were built in Akulivik, Ivujivik and Umiujaq. Kuujuarapik received a triple gymnasium building in 1991. Other than these above facilities, youth, in particular teenagers, have no viable outlet for their energies and creativity (and frustrations) at the community level. Many youth themselves have pointed out that unless they play hockey or basketball, there are no recreational or social facilities for them in the communities presently. Indeed, there are no facilities in any of the communities where youth can go to be only with other youth or to seek help for their particular problems. There is a lack of

21 Note that the Government of Québec cut all spending for community recreation facilities in northern Québec on July 6, 1982. (C.T. #1400189) and has not since altered its policy in this regard.

trained human resources to provide animation, monitoring, counselling, etc. There is even a serious lack of information available at the community level as to where youth can go even outside the community for help for specific problems.

Lack of
resources for
violence and
sexual abuse

(3)

With respect to family violence and child sexual abuse, at the community level there is a serious lack of any type of resource to address these problems: except for the recently constructed women's shelter in Kuujuaq, there are no safe houses nor are there trained therapists available. Police officers are not trained, nor do they have the resources, to deal with these specific issues.

Lack of
adequate
social work
services

(4)

In addition, only three Nunavik communities²² have fully trained professional social workers. But Inuit social workers are not receiving the necessary professional upgrading of training or outside professional support for particular problems that they so require to do their job. In particular, numerous Inuit social workers²³ complain that they have not received any upgrade training for the last three years because the C.R.S.S.S. has told them that this is the responsibility of the Kativik School Board (Adult Education). The Kativik School Board has responded by indicating that they have no funds for this purpose. This means that even individuals who are highly motivated social workers at the community level are falling behind in their training and are losing interest in a system which does not provide them the outside support they so desperately require to carry on their work.

22 These communities are Kuujuarapik, Kuujuaq and Povungnituk.

23 Current number of Inuit social workers in Nunavik is thirty-one (31). The breakdown per Nunavik community is as follows:

Lack of community resources for crisis intervention (5) There is generally a lack of community level resources to respond to crises at the community level. The communities lack adequate police services, public security services or even volunteer fire or security programs. Incidents such as the 1990 assault and arson by one individual in Umiujaq,²⁴ in which several million dollars of infrastructure was destroyed by an inebriated and disturbed community member, could have been prevented had the necessary preventive measures and resources been available in that community. Umiujaq has no police nor any type of plan or resources, human or otherwise, to intervene in a crisis period. Most other Nunavik communities are not unlike Umiujaq in this regard and as a result are highly vulnerable and defenceless in the face of any type of crisis.

Lack of economic and employment opportunities (6) Included in preventive measures and support systems at the community level are of course employment and economic opportunities for community members. Unemployment ²⁵ is rampant and economic opportunities for Inuit are few at the community level. Unless these issues of poverty, unemployment and lack of economic opportunities for Inuit are

Akulivik -	2	Aupaluk -	2
Inukjuak -	2	Ivujivik -	1
Kangisualujuaq -	2	Kankirsujuaq -	1
Kangirsuk -	2	Kuujuaq -	7
Kuujuarapik -	3	Povungnituk -	2
Quartaaq -	2	Salluit -	2
Tasiujaq -	2	Umiujaq -	1

24 *R. v. Jackie Niviaxie*, (1991)

25 Unemployment annually averages 25-45% for Inuit of the Nunavik Region. According to a Government of Québec 1983 study, Inuit unemployment (only for wage employment) as of 1982 averaged 41% for Inuit communities in Nunavik. See Gouvernement du Québec, Ministère des Institutions financières et coopératives. *Les Inuit du nouveau-Québec: Leur Milieu Socio-Economique*, March 1983.

addressed, it will be difficult to prevent social and crime problems at the community level. It now appears that all the traditional institutions - family, school, church - that at one time played a major educative and social role for youth no longer do so. A frustrated and angry (and criminal) youth are the result. High crime, high suicide, alcohol and drug abuse all characterize Nunavik communities today.

Lack of
professional
resources

(7)

Many communities in fact have established social committees, youth committees, drug and alcohol committees, parents' committees, etc., in an effort to address many of the above community problems. But these groups are voluntary and lack professional input and other resources at the community level to make their work effective. However, what is significant about all these committees is that they signify great concern by parents and some youth over the social problems in their communities.

Lack of
effective
social
services

(8)

It is apparent that though health services have improved in the communities over the last fifteen years with the establishment of the C.R.S.S.S. and the two hospital corporations (Povungnituk and Kuujuaq) as well as the establishment of nursing stations in each community, effective social services in each community are still severely lacking. Sub-section 15.0.2 provided for the establishment of Region 10(a) to encompass the Nunavik territory and sub-section 15.0.3 of the J.B.N.Q.A. established a C.R.S.S.S. known as the Kativik Health and Social Services Council for this new Region 10(a). The object here was to ensure that the Region north of the 55th parallel

received the same health and social services as other Regions of Québec. Section 4 of *An Act Respecting Health Services and Social Services*, R.S.Q., c.-5, provides that all citizens have the right to receive proper health and social services. Section 5 of the same Act provides that health and social services are to be granted without discrimination or preference. The current lack of social services at the community level in Nunavik suggests that the objectives of these provisions, namely, obligation to provide all citizens with social services and the obligation not to discriminate against anyone in this regard, are not being met.

2 - **Substantive and procedural law and its application to Nunavik**

The current laws of general application with respect to civil procedure and criminal procedure apply in Nunavik as elsewhere. In terms of substantive law, federal, provincial and municipal laws apply to Nunavik, as elsewhere. However, because of the special nature of the Region (isolation; distance; high transportation costs; language barriers, etc.), certain modifications to their application were contemplated in the J.B.N.Q.A. Because of the treaty nature of these obligations and their entrenched constitutional status, these provisions of Chapter 20 of the J.B.N.Q.A. in regard to procedure and substantive law and their application should take precedent over any existing arrangements.

There were many basis for the incorporation of these provisions in the J.B.N.Q.A. with respect to justice. Firstly, because the Euro-Canadian justice system is based upon protection and promotion of individual rights whereas collective rights have formed the basis of Inuit society, some knowledge of the Inuit perspective and accommodation of it was seen as necessary in the present legal system in Nunavik. Secondly, as

indicated above, the Euro-Canadian justice system in regard to criminal law is based upon establishment of guilt or non-guilt and punishment whereas Inuit traditionally resolve conflicts through reconciliation and the maintenance of community harmony. This was another reason for the provisions contained in Chapter 20 of the J.B.N.Q.A.

Problems:

Sub-sections 20.0.6, 20.0.7., 20.0.8, 20.0.12, 20.0.16, 20.0.18, 20.0.23 and 20.0.24 of the J.B.N.Q.A. are all clear directives to Québec to incorporate Inuit customs and ways into both procedure and substantive law and their application in practice in Nunavik. Some references are more direct and specific than others; but all are based on the obligation to incorporate Inuit customs and traditions into legal practice in the Region. As can be seen from the following provisions, some of this is to be done through training of personnel; some is to be done through amendments to rules of practice; some is to be done by requiring knowledge on the part of those applying the justice system in the territories.

**Need for
changes to
rules of
practice**

- (1) With respect to the rules of practice and necessary changes to accommodate to Inuit customs and traditions and to the Region, sub-sections 20.0.6 and 20.0.7 provide as follows:

"20.0.6. The judges and persons appointed to dispense justice in the judicial district shall, after prior consultation with the Regional Government, make from time to time the rules of practice judged necessary for the proper administration of justice in the said district.

20.0.7. The rules of practice established for the judicial district of Abitibi under paragraph 20.0.6, shall take into consideration the particular circumstances of the district, the customs, usages and ways of life of the Inuit, in order to facilitate and render justice more accessible, and may, in particular, include special rules respecting the following: (a) accessibility to records and

registers, (b) postponement of hearings and trials, (c) days and hours for hearings, trials and examinations on discovery, and (d) procedures for the filing of proceedings and the issuance of writs."

Clearly, these two provisions contemplate amendments to existing judicial rules of practice in order to adapt to the northern reality of Nunavik and to the Inuit customs and traditions. To date and to our knowledge, neither of these provisions have been implemented.

Untrained (2)
personnel:
Lack of
knowledge of
Inuit customs
and
traditions

With respect to the obligations on the part of governments to ensure that all personnel delivering justice services in northern Québec are knowledgeable in Inuit customs and traditions, and by implication to apply such knowledge in their work and application of laws and procedures, sub-sections 20.0.8, 20.0.12, 20.0.16, 20.0.18, 20.0.23 and 20.0.24 provide as follows in this regard:

"20.0.8. All judges and other persons appointed to dispense justice in the judicial district of Abitibi shall be cognizant with the usages, customs and psychology of the Inuit people.

20.0.12. Non-Inuit court staff shall be cognizant with the usages, customs and psychology of the Inuit people.

20.0.16. Non-Inuit probation and information officers shall be cognizant with the usages, customs and psychology of the Inuit people.

20.0.18. The Department of Justice shall appoint Crown attorneys for the judicial district of Abitibi for such terms of office and upon such conditions as are required to meet the circumstances in the said district. Such appointees shall be cognizant with the usages, customs and psychology of the Inuit people.

20.0.23. The Lieutenant-Governor in Council shall appoint for the judicial district of Abitibi a coroner cognizant with the usages, customs and psychology of the Inuit people.

20.0.24. Sentencing and detention practices should be revised to take into account the culture and way of life of the Inuit people, and this, with their cooperation."

Generally, these provisions have not been implemented.

Though some personnel working within the criminal justice system in northern Québec have some familiarity with certain aspects of Inuit culture and traditions, this has occurred only on an *ad hoc* basis and more through the personal interest and dedication of certain of these personnel. There is no comprehensive government program to educate and familiarize justice personnel in Inuit customs and traditions (and psychology) prior to their appointment to these positions or even during the mandate of their appointments. Most of these provisions obligate the government to ensure a cognizance (i.e., a knowledge) of the usages, customs, traditions and psychology of Inuit. This has not been done. To ensure implementation of the above provisions would require a comprehensive training program for all personnel. But even here there is one major stumbling block. Who knows what these customs, traditions and psychology are? Surely we have to know what they are and then package them into appropriate educational materials and learning tools before these provisions can be fully implemented.

Need for
amendments
to sub-
stantive and
procedural
law

(3)

The J.B.N.Q.A. also provides for amendments to both procedural and substantive law to take into account the traditions and customs of Inuit. These undertakings are found in sub-sections 20.0.20, 20.0.21 and 20.0.22 of the J.B.N.Q.A. These provisions of the J.B.N.Q.A. have not been implemented to date. These provisions provide as follows:

"20.0.20. The provisions of the Code of Civil Procedure, the Criminal Code and the Canada Evidence Act shall be modified, if deemed necessary, to suit the particular difficulties of the judicial district of Abitibi and to take into account the circumstances, usages, customs and way of life of the Inuit and to render justice more accessible to them.

20.0.21. The Criminal Code should be amended to allow that six jurors only be sworn in the territories of Abitibi, Mistassini and Nouveau-Québec in the judicial district of Abitibi.

20.0.22. Amendments should be adopted to allow Inuit, in cases where the defendant or accused is an Inuk, to be sworn as jurors according to applicable laws and regulations, even though they cannot speak French or English fluently."

Again, to effectively implement these sections requires knowledge of Inuit customs and traditions. Moreover, implementation of these three provisions would require extensive consultation with the Inuit communities in order to determine the full extent to which the customs and traditions would be incorporated into the existing law and procedure or whether the changes and amendments would be of such a massive nature as to require adoption of an altogether new and separate system to accommodate these customs and traditions for the Region. The problem however, as above, is that nothing to date has been done towards any amendments in this regard.

Lack of a
culturally
appropriate
legal system

(4)

The present legal system in northern Québec is foreign in many respects to Inuit and Inuit customs and traditions. Moreover, the problem is not simply one of lack of implementation of subsections 20.0.20, 20.0.21 and 20.0.22 of the J.B.N.Q.A. The problem is also one of degree: to ensure that such amendments are not simply patch-work solutions to a larger more fundamental cultural problem. As

such, the system may not be culturally appropriate for the Region and may in fact be prejudicing on a day-to-day basis the rights and interests of Inuit. So fundamental may be the difference in Inuit perspective from that of the Euro-Canadian legal system presently in application in the Region that fundamental misunderstandings and injustices may be incurring. An example of this is explained in the Report of the Aboriginal Justice Inquiry of Manitoba:²⁶

"An obvious example is the ease at which a member of the dominant society can plead non-guilty to a charge for which that person, in fact, is responsible. In the Western tradition, the plea is not seen as dishonest; it is understood as a conventional response to accusation, based on the doctrine that people are not required to incriminate themselves and that it is up to the prosecution to prove guilt. In Aboriginal societies, to deny a true allegation is seen as dishonest, and such a denial is repudiation of fundamental and highly valued standards of behaviour. As well, the European concept of 'guilty/non-guilty' runs counter to most Aboriginal philosophy, so much so that Aboriginal societies have no words for 'guilty' or 'not-guilty' in their languages because they have not developed these concepts.

3 -

Law enforcement

The safeguard of any legal system is the enforcement of the rules and laws which govern behaviour within that society. Law enforcement is not necessarily the exclusive domain of police officers since all citizens including parents, teachers, municipal councillors, Regional councillors and others play a role in maintaining social order within the communities. However, in most communities enforcement responsibility falls upon police officers and it is to the police that the communities look in times of violent crisis and other problems related to criminality, social disturbance

and emergency situations. Unfortunately, police services in Nunavik today are wholly inadequate to meet the current and growing needs of the Inuit communities.

There are two categories of Surêté du Québec (S.Q.) officers in northern Québec today. S.Q. officers (receive full S.Q. training and benefits and are normally non-Native); and S.Q. special constables (do not receive full S.Q. training and benefits and are only Native).

Only Kuujjuaq and Kuujuarapik presently have full S.Q. officers: currently there are four in Kuujuarapik and four in Kuujjuaq. There are also Inuit S.Q. special constables in these communities. Some of the other smaller Inuit communities have Inuit S.Q. special constables. However, there are some communities that have no police at all, such as Umiujaq, and others which are of a fairly large size, such as Inukjuak (population: over 900), which has only one S.Q. special constable. According to the S.Q., there are supposed to be special constables in each of the fourteen (14) Nunavik communities but this is not the case (i.e., there are twenty-two (22) authorized police positions but in actuality there are only twelve (12) positions filled). The following chart illustrates the current police situation in northern Québec:

The following are the special constable positions "authorized" by the S.Q. for Nunavik communities but these do not represent the actual situation as can be seen by the comparative actual figures:

	Authorized	Actual
Kangirsuallujuaq	1	1 (in training)
Kuujjuaq	4	3
Aupaluk	1	1
Tasiujaq	1	0

	Authorized	Actual
Kangirsuk	1	0
Kangiqsujaq	1	1 (in training)
Koartak	1	1
Ivujvik	1	1
Akulivik	1	0
Povungnituk	3	1
Inukjuak	2	1
Umiujaq	1	0
Kuujuarapik	2	0
Salluit	2	2
TOTAL:	22	12

It should be noted that on June 5, 1990, Canada and Québec established a federal-provincial working group for the purpose of preparing a joint consultation document for police services for Native peoples of Québec.²⁷ This joint consultation was prepared in 1990 and the actual consultation took place in northern Québec in the fall of 1990. There are no specific written recommendations available from this consultation. Further, the S.Q. is currently in the process of conducting a community consultation on the need for a regional police force pursuant to recent requests by the Kativik Regional Government for adequate police services for the region.

27 See Government of Canada Communiqué de Presse, June 5, 1990, entitled "Groupe du Travail Fédéral/Provincial sur les services policiers en milieu autochtone au Québec". See also Joint Canada/Québec Police Consultation Document dated June, 21, 1990, attached hereto as Annex 9.

Problems:

**No
comprehensive law
enforcement
for Nunavik**

- (1) Despite increasing serious crimes such as violence and drug trafficking in the communities, there is still no comprehensive system of law enforcement in Inuit communities of Nunavik. Chapter 21 of the J.B.N.Q.A. clearly contemplates the establishment by the Kativik Regional Government of a Regional Police Force for the Nunavik Region. It also contemplates that such Regional Police Force will be governed by the provisions of the *Québec Police Act* as well as all other laws of Québec of general application except to the extent that they conflict with the provisions of Chapter 21 of the J.B.N.Q.A. Moreover, it is clearly contemplated in Chapter 21 of the J.B.N.Q.A. that the Regional Government is authorized to organize, equip, maintain and discipline members of the police force. This Chapter also provides for the establishment of special training and course programs for members of the Regional Police Force at the Québec Police Institute at the expense of Québec. In addition, the Chapter authorizes the Kativik Regional Government itself to establish its own police school for the Regional Police Force. More particularly, sub-sections 21.0.1, 21.0.2, 21.0.4, 21.0.6, 21.0.13, 21.0.16 and 21.0.17 of the J.B.N.Q.A. provide as follows:

"21.0.1. Subject to the laws of Québec of general application, the Regional Government is hereby authorized to establish by ordinance and maintain a Regional Police Force in its territory.

21.0.2. The Regional Police Force shall be governed by the provisions of the Police Act (S.Q., 1968, c.17) and all other laws of Québec of general application, save where these laws are inconsistent with this Section, in which event the provisions of this Section shall prevail.

21.0.4. The Regional Government has the authority to make ordinances to: (a) provide for the organization, equipment and maintenance of a Regional Police Force and the discipline of its

members; (b) prescribe the duties and powers of the members of such force and prescribe the penalties applicable in case of infringement of the ordinances respecting discipline; (c) provide for the imposition of penalties, including dismissal or fine, upon any member of the Regional Police Force who accepts or demands, directly or indirectly, any sum of money, favour or alcoholic beverage as a consideration for the exercise of influence or for an act or omission in the discharge of his duties; (d) determine the places where the members of the Regional Police Force may reside, classify them, specify the ranks that may be assigned to them and prescribe the inspections to which they shall be subject.

Such ordinances shall apply subject to the provisions of this Section and to the by-laws of the Québec Police Commission made under Section 17 of the Police Act. After an ordinance dealing with any subject contemplated in this paragraph has been passed, the Secretary of the Regional Government must send a copy thereof to the Québec Police Commission within fifteen (15) days following its coming into force.

21.0.6. It shall be the duty of the Regional Police Force and each member thereof to maintain peace, order and public safety in the Territory, to prevent crime and infringement of the by-laws of the municipal corporations, the ordinances of the Regional Government and the laws of the Province of Québec and to seek out the offenders.

21.0.13. The Council of the Regional Government may, by ordinance, authorize the chairman of the Executive Committee to appoint in writing, in case of emergency and for a period not exceeding seven (7) days, persons called special constables, to maintain peace, order and public safety in the territory of the Regional Government, to prevent crime and infringements of the by-laws of the municipal corporations, the ordinances of the Regional Government, and the laws of the Province of Québec and seek out the offenders.

Any ordinance adopted under the preceding paragraph may prescribe the maximum number of persons whom the chairman of the Executive Committee may appoint as special constables and establish the maximum remuneration that they may be paid.

21.0.16. Training and course programs shall be established pursuant to the provisions of the by-laws that shall be enacted by the Québec Police Commission under paragraph (b) of section 17 of the Police Act, after consultation with the Regional Government. Québec shall pay for training and course fees and lodging for the candidates at the Québec Police Institute.

21.0.17. The Regional Government may establish by ordinance and maintain a police school. Such ordinance, to be valid, must be approved by the Lieutenant-Governor in Council."

The provisions of Chapter 21 of the J.B.N.Q.A. in regard to police service are incorporated into *An Act Respecting Northern Villages and the Kativik Regional Government*, L.R.Q., c.V-6.1, at sections 369-377.²⁸ But still there is no Regional Police Force in Nunavik. Moreover, there is still no adequate police services in each community even as an interim measure until an effective Regional Police Force is created.

Lack of
necessary
pre-
conditions
for a
Regional
force

(2) Though establishment of a Regional Police Force continues to be a priority objective for the Kativik Regional Government and Inuit of Nunavik,²⁹ Québec has not created the necessary conditions to facilitate creation of such a Regional Police Force. Presently, services in northern Québec are characterized by a high degree of turn-over amongst the Inuit police officers, with the average police service being less than one (1) year. The S.Q. attributes this in part to lack of appropriate training; generally negative perception of the population of police officers; lack of adequate information to the population as to the role of the police officers; lack of adequate infrastructure to assist police such as shelters for battered women and detention facilities; and the general isolation and alienation of Inuit constables from the people of the communities in which they work.

28 See Annex 10 for sections 369-377 of *An Act Respecting Northern Villages and the Kativik Regional Government*, L.R.Q., c. V-6.1.

29 See Annex 11 of recent Kativik Regional Government Resolution # 91-44 entitled *Concerning the establishment of a Regional Police Force*. See also Kativik Regional Councillors and Nunavik Mayors Special Meeting on Public Security Resolution, dated April 2-4, 1991 re: Implementation of a Regional Police Force in Annex 12 of this Position Paper.

Unnecessary (3) Without adequate law enforcement at the community level,
crises enforcement which is both respected and viewed as legitimate by the local populations, every violent incident will continue to throw the community into crisis and to risk danger to both human life and property due to a lack of effective means of control.

Lack of (4) With respect to training, these special constables do not
adequate receive the full same training as regular S.Q. officers in
training Québec. Instead, they receive a 14-week training program spread over a one 1-year period, in 4 sessions of 3 to 4 weeks each. Both the S.Q. and the special constables themselves as well as community members admit that this training is not sufficient to prepare the individual in question for the role and task he or she is called upon to perform at the community level in the context of law enforcement.

Sub-section 21.0.16 clearly calls upon the Québec Police Commission or the National Assembly to enact the necessary police training and curriculum programs after consultation with the Kativik Regional Government, specific to the needs and particular circumstances of the Inuit and Inuit communities. Instead, Inuit special constables have been integrated into the regular police training program at the Québec Police Institute and given a short-form version of training which has not proven adequate given the special conditions of the northern communities as opposed to the south. Although sub-section 21.0.17, gives the Kativik Regional Government the power to establish a police school within the Nunavik Region, such a

regional police school will never become a reality unless Public Security and the *Ministère de la justice* provide the necessary budgets, facilities and other necessary resources to implement such an obligation, such a Regional police school will never become a reality.

Lack of
adequate
facilities or
support
personnel

- (5) Further, even those special constables who have sufficient training and regularly upgrade their skills, often lack in their particular community the necessary facilities or infrastructure or additional human resources to enable them to carry out their jobs effectively. That is, if a community has a population of between 800 to 900 individuals and is in the process of rapid growth and social change from day to day, clearly one special constable is insufficient to provide law enforcement to this community no matter how well trained such an individual might be. This in fact is precisely the case in Inukjuak and in several other Inuit communities.

Poor morale
of Inuit
special
constables

- (6) The differential training and treatment of S.Q. officers and Inuit special constables also affects the morale of these special constables. We have been told by several special constables that many Inuit who would ordinarily be interested in police work at the community level are not so because of the differential treatment (discriminatory?) of regular S.Q. officers and Inuit special constables. For example, unlike Inuit special constables, S.Q. officers receive a pension; are paid a higher salary than special constables; are allowed to have small-arms

training and bear a small-arm as part of their equipment; have a full training course with the Police Institute; can activate the necessary police backup in crisis situations. ³⁰

Lack of
police for
each
community

- (7) The police quota per community population is another problem for the Nunavik region. This problem relates to sub-section 21.0.3 of the J.B.N.Q.A. which provides as follows:

"21.0.3 Members of the Regional Police Force shall be posted in the most populated municipalities based on the criterion of one member for every five hundred (500) inhabitants including the floating population in the Territory."

The history of this provision is cloudy. If fully implemented to the letter, it would mean that at least 8 or 9 Inuit communities in Nunavik would have no police officer stationed in their communities. Even representatives of S.Q. acknowledge that this limitation of population size should not be the determining factor for police services in a community. It is clear that the needs of a larger population community are different from those of a smaller population community; but the need to enforce the law and maintain social order in varying degrees exists in both situations. It is significant that the substance of sub-section 21.0.3 of the J.B.N.Q.A. is not incorporated into the police provisions of *An Act Respecting Northern Villages and the Kativik Regional Government*, L.R.Q., c. V-6.1.

30 This differential treatment of Inuit special constables and regular S.Q. officers with respect to benefits has been the subject of concern of both the Nunavik Mayors and the Kativik Regional Government. See copy of KRG and Nunavik Mayors Special Meeting on Public Security Resolution Re: Incentive and Benefit for Local Constables dated April 2-4, 1991 in Annex 13 of this Position Paper.

4- Legal Representation

Legal representation and advocacy are an integral part of the existing justice system. Legal counsel provides an individual, in particular an accused, with information with respect to his rights in any particular situation and recommends appropriate action. Aside from advice, legal counsel represents an individual in the justice system and acts on his behalf and in his interests. So fundamental to the proper fair functioning of the system is the legal counsel that the *Canadian Charter of Rights and Freedoms* (section 10) guarantees every citizen the right on arrest or detention to retain and instruct counsel without delay and to be informed of that right. So important is the role of legal counsel within the justice system that preventing an individual from retaining and instructing his legal counsel without delay or even of being informed of his right to retain and instruct legal counsel without delay can be grounds to fully dismiss a case against an individual. The *Québec Charter of Human Rights and Freedoms*, L.R.Q., c.C-12 at section 34 guarantees every citizen the right to be represented by a lawyer or to be assisted by a lawyer before any tribunal.

Despite the above importance of legal counsel to the justice system, there are presently no legal counsel permanently based within the Nunavik communities except for the legal counsels of the Kativik Regional Government based in Kuujuaq. However, the in-house legal counsel of the Kativik Regional Government, like the in-house legal counsels of Makivik Corporation, have a presence in the Region but represent collective entities and not individuals. The mandate of the in-house legal counsel to the Kativik Regional Government and Makivik Corporation is to represent the rights and interests of those particular collective entities for which they work. Even if they wanted to represent individuals, they have no mandate to do so nor are they organized to do so. Other than certain specific test cases which the Kativik Regional

Government or Makivik Corporation decide to take because the principles at stake have significance and implications for the rights of the large collectivities which they represent, there are no private legal counsel within the Region or its communities to represent individuals in criminal and civil proceedings. The closest legal counsel for this purpose are found in Val d'Or where the Legal Aid office will provide legal counsel to those Inuit who qualify for it in the Region. Those who do not qualify for Legal Aid face extremely high costs to have legal counsel come to the Region for consultations or for the individual to travel south for such consultation or representation.

Problems:

**Lack of
timely
access to
counsel**

- (1) Lack of permanent legal counsel available to individuals for consultation and representation in the Region of Nunavik means that individuals may suffer not knowing their rights in any particular civil or criminal situation or proceeding. As indicated above, for the justice system to function properly and fairly, individuals must have regular and timely access to legal counsel. In principle, all residents of Nunavik are entitled to receive Legal Aid services in all matters, criminal and civil. Sub-section 20.0.19 of the J.B.N.Q.A. provides as follows in this regard:

"All residents of the judicial district of Abitibi shall be entitled as of right to receive Legal Aid services in all matters, provided they qualify in accordance with the criteria of the Québec Legal Services Commission which shall be modified for this district insofar as this may be necessary, to take into consideration the cost of living, the distances involved and other factors particular to the said district."

Lack of
information
officers for
region

- (2) It has to be acknowledged, of course, that legal counsel are not the only receptacles of knowledge or information concerning the justice system. Other individuals within the systems such as court workers, information officers, social workers, police, etc., can provide individuals, in particular the accused, with information about how the system works and how to access information and resources concerning the system. More particularly, sub-sections 20.0.15, 20.0.16 and 20.0.17 obligate Québec to provide educational and training programs for Inuit in order for them to perform the role of information officers concerning the justice system and to be available as resource people throughout the Region. These sub-sections provide as follows in this regard:

"20.0.15. Information officers shall be stationed in municipalities designated by the Department of Justice of Québec after prior consultation with the Regional Government. The names of the candidates to become information officers shall first be proposed by the Regional Government to the Department of Justice of Québec or by the Department of Justice of Québec to the Regional Government for consideration and approval.

20.0.16. Non-Inuit probation and information officers shall be cognizant with the usages, customs and psychology of the Inuit people.

20.0.17. The Department of Justice of Québec shall, after prior consultation with the Regional Government, establish according to needs, educational and training programs for Inuit for the functions of probation and information officer."

These provisions of the J.B.N.Q.A. have not been properly implemented. To date, there are currently three (3) probation officers in the north (two (2) in Kuujuaq and one (1) in Kuujuarapik). All these probation officers are non-Inuit and are responsible not only for probation but also for parole supervision.

There are no information officers specifically trained in the justice system in any of the communities.

With respect to Native court workers, as with other provinces, there is a Native court worker program in Québec for which the costs are split between Justice Canada and the *Ministère de la justice*. However, there are presently only two (2) Native court workers functioning in Nunavik.

Though sub-section 20.0.15, 20.0.16 and 20.0.17 of the J.B.N.Q.A. remain to be implemented, a more comprehensive and massive public information and education program with respect to the existing justice system is required. In the latter part of 1991 and the early part of 1992, the Inuit Justice Task Force in conducting its community consultations on the administration of justice in Nunavik, discovered that there is an extremely poor level of understanding of the existing justice system by the population and virtually no explicit information available to them in this regard.

For example, some Inuit did not understand how defence counsel could properly protect an accused's interest in a local trial if he appeared so friendly, and travelled with, the Crown Prosecutor and the Judge. (All these individuals arrive on the same aircraft for the same trial and obviously talk with each other before, during and after in a friendly manner since they know each other).

Indeed, the Inuit Justice Task Force was compelled to prepare many of its own materials for distribution at its own expense for this purpose. Basic information to the population on the role of each of these players as well as their ethical obligations to

represent their respective interests, avoid conflicts of interests and maintain confidentiality of the client, would go a long way to clearing up these misconceptions.

In summary, serious problems can arise if a major component of the justice system is absent from the Region, namely, accessibility to legal representation. As indicated earlier, all major components of the justice system are inter-dependant if this system is to be fair and equitable and effective. This is not the case in Nunavik resulting in possible discrimination against Inuit, since citizens in the southern parts of Québec have direct and easy access to legal counsel for all types of criminal and civil matters whereas Inuit in Nunavik do not.

5- Courts

Though courts, in particular the itinerant court, seem to be the central topic of discussion when attention turns to the justice system in northern Québec, it is only one of several main components, as indicated above, of the administration of justice in the Region. There are presently four itinerant court teams servicing the Nunavik Region as part of the judicial district of Abitibi. These four teams together make approximately a total of 30 visits to the Region per year. Judges of this court are those of the *Cour du Québec* (Québec Court) and have jurisdiction over both adults and youth. They can hear both civil and criminal cases. As indicated above, there will soon be a Superior Court holding hearings in certain limited northern communities.

When the itinerant court travels, it usually consists of the following persons: a judge; a clerk responsible for maintaining a transcript of all the proceedings and for recording these; the Crown Prosecutor; a Legal Aid defence lawyer, an S.Q. liaison officer; and a travel coordinator. In addition to these court personnel, normally on-site in attendance in the

community is a probation officer, an interpreter and a Native court worker and police officers depending on the type of cases.

The court travels out of Amos which is the seat of the court for the judicial district of Abitibi.

Most often the itinerant court holds its hearings in rented premises such as schools or community halls with the exception of three locations which have permanent premises set aside for the court, namely, Chisasibi, Kuujjuarapik and Kuujuaq. Many communities have no facilities whatsoever to host the court and during 1989 and 1990, the coordinating judge for the itinerant court of the district of Abitibi refused to allow the itinerant court to go to those communities which had no facilities or where they did not agree to provide such facilities. This was particularly true of communities north of Kuujjuarapik on the Hudson Bay coast. This lack of adequate facilities for the court when it arrives in the community may seriously prejudice the ability of Inuit to have a fair and adequate trial, if at all. Counsel requires private rooms in which they can consult with their clients in confidence. The judge requires privacy to deliberate and to discuss motions and other matters with counsel and others. Basic human comfort dictates that washroom facilities be easily available and buildings be properly heated and lit.

Problems:

**Lack of
permanent
court**

- (1) The fly-in itinerant court represents the second-best solution to providing court services to the Inuit communities. They take the place of permanent regional and/or community-based courts or other permanent community-based dispute

resolution mechanism. Because the itinerant court comes from outside and represents a legal system in many cases foreign to Inuit, its role in delivering justice is highly suspect in the communities. Many Inuit do not respect the itinerant court nor the authority it represents and consequently neither understand its role nor cooperate with it. What this means is that presently Inuit communities in Nunavik lack a decision-making system at the community level which provides some degree of control and involvement for the community in the system and which is directly responsive to their needs.

Lack of
adequate
time for
preparation

(2)

Because of the nature of the scheduling of the itinerant court and the case load which it has to clear, not enough time is spent in the community by any of the attorneys, whether defence or prosecution, prior to the preliminary hearing or trial stages. Defence counsel do not have sufficient time to discuss their cases with the accused and to properly prepare; Crown prosecutors do not have sufficient time to discuss various cases with the community in order to ensure that the manner in which he plans to prosecute a case meets the public concern of the community and of the victim's family.

Postpone-
ments and
Delays

(3)

The present itinerant court system in northern Québec is characterized by long delays in actually getting the case heard at trial. This causes confusion and anguish for both the parties, the community and the victims and their families. Sometimes, of course, these delays are caused by the accused himself by not showing up at a hearing or absenting himself from the community when the court comes to the community. But in

most cases, the delays are due to a lack of sufficient court resources to clear cases on a timely basis. This may necessitate the appointment of more judges and more travelling of the itinerant court short of establishing a permanent court. A more careful examination of these delays would have to be undertaken in order to make any substantive recommendations in this regard.

Lack of
adequate
interpreters

- (4) Though interpreters hold the key to understanding for all concerned in court hearings, there is currently a serious problem finding suitable interpreters at the community level to assist the court in their hearings and other work while in the community. It will be recalled that the interpreter is one of the participants in the itinerant court who resides in the community, or at least in the Region. Because the court personnel speak French and English whereas Inuit normally speak only Inuktitut and in some cases, Inuktitut and English, the role of the interpreter is to bridge the gap and make effective bridge the gap and make effective communication and understanding possible. Precision is required here due to the serious questions of fact and law being handled by the court.

The *Ministère de la justice* is unable to presently attract candidates for the work of interpreters because Inuit perceptions of court-related jobs are poor; they are not seen as respectable but rather as only a source of aggravation and suspicion. As well, because of the overall lack of understanding by community members of the role of the court, pressure is put on interpreters by the local population if a case

does not go the way the community or the family of the accused or the family of the victim so wants it to go. The interpreter is blamed for not "translating properly" and thus being the "cause" of the result which may not be the desired one. In addition, the salary (\$26,000 per annum) is insufficient given the skills, amount of time involved and pressure.

**Lack of
adequate
facilities**

- (5) Most communities lack adequate facilities to receive the itinerant court. This has already been explained above. The situation provides even less incentive for the court to spend more time than necessary in a community and makes the work of the court difficult, inefficient and unpleasant. All of this serves to prejudice the interests of both the accused and the community.

**Lack of
training**

- (6) As mentioned earlier in this Position Paper, the training provisions of Chapter 20 of the J.B.N.Q.A - training of all court personnel in the usages, customs, traditions and psychology of Inuit - have not been implemented. Consequently, court personnel in many cases are not sensitive to the special needs of Inuit within the justice system and this too prejudices both the rights and interests of the accused and the communities. Reference and explanation has already been provided in regard to sub-sections 20.0.7, 20.0.8, 20.0.12, 20.0.16, 20.0.17, 20.0.18, 20.0.20, 20.0.23, 20.0.24 of the J.B.N.Q.A. in this regard.

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- Undue (7) Comment must be made on one general aspect of the present
reliance on court system in northern Québec. As indicated earlier, the
court to main components of the justice system are inter-dependant:
solve each must perform its own function effectively. What is
problems happening in northern Québec is that most of the components
of the justice system are either non-existent, under-funded, or
simply inadequate to meet the serious and growing needs of
the Inuit population. The court has come to be expected in
many cases to rectify or solve with its decision the results of
long-standing and complicated social problems, the
responsibility for which lies elsewhere in other components of
the system (i.e., lack of recreational facilities for youth and
consequential high youth crime rates). This is a structural
problem innate in the justice system in northern Québec. Too
much has been expected from the court component and not
enough is being demanded from the other components, in
particular, those related to preventive measures. Under such
circumstances, any component of the system will eventually
collapse through over-use or over-burden.
- Lenient (8) With respect to sentencing by the court, Inuit communities
sentencing have complained of problems of insufficient sentences for
certain types of offences: in particular, sentences for crimes of
sexual assault, especially against children, are viewed as too
light. Though this may be more a problem of perceptions, it
remains of serious concern to the communities.
- Lack of (9) Another aspect of sentencing involves the general lack of
community community involvement and participation in sentencing
involvement decisions by the court. Though some judges do make an effort
in sentencing through the pre-sentence investigations to determine

community concerns with respect to a particular offender, generally the community has little or no involvement in the sentencing process and this sometimes has serious consequences for the community later on, when an offender returns to the community. However, it should be noted that the Court recently established an important precedent on February 25, 1992 in the sentencing in Umiujaq of Jack Nivixie by providing for community involvement in the sentencing by allowing community witnesses to testify at the sentencing hearing. It is hoped that this sentencing precedent will be repeated in future in serious criminal cases.

Need for
traditional
responses in
sentencing

- (10) A further problem in regard to sentencing relates to the inability of the present court system to incorporate some traditional or customary approaches to "sentencing" such as forms of banishment and various forms of victim compensation. Techniques must be found to allow Inuit cultural and traditional elements to be incorporated into the sentencing process. Sub-section 20.0.24 of the J.B.N.Q.A. specifically provides that sentencing and detention practices have to be revised in order to incorporate Inuit cultural needs. More particularly, sub-section 20.0.24 provides as follows in this regard:

"20.0.24. Sentencing and detention practices should be revised to take into account the culture and way of life of the Inuit people, and this, with their cooperation."

Need for
alternatives
to
incarceration

- (11) Generally, throughout the criminal justice system in North America, there is a movement towards finding alternatives to incarceration since for many offenders (and victims), this is seen as a wasteful method in regard to the offender and to the

state's resources. However, in examining alternatives to incarceration in regard to aboriginal people, many Native communities, in particular, in British Columbia and Alaska, are now looking to incorporating traditional and cultural forms of sanctions as well as encouraging greater community involvement in sentencing. These efforts and experiments could prove highly instructive for the justice system in northern Québec. It should be noted that both the Law Reform Commission of Canada³¹ and the Justice Inquiry of Manitoba³² make specific recommendations on sentencing for Aboriginal peoples which are also highly instructive for amending sentencing practices in Nunavik. Specifically, the Manitoba Aboriginal Justice Inquiry recommends the following in this regard:³³

"Incarceration be used only in instance where:

- *The offender poses a danger to another individual or to the community;*
- *Any other sanction would not sufficiently reflect the gravity of the offence;*
- *An offender willfully refuses to comply with the terms of any other sentence that has been imposed;*
- *The provincial Justice Department regularly and consistently collect, analyze and distribute information on the success rate of all sentences and distribute that information to judges, crown attorneys and the Defence Board;*
- *Probation officers be available when courts sit in Aboriginal communities to explain the results of pre-sentence studies;*

31 Canada. Law Reform Commission of Canada. Report No. 34. Aboriginal Peoples and Criminal Justice. 1991.

32 Manitoba. Report of the Aboriginal Justice Inquiry of Manitoba. The Justice System and Aboriginal People. 1991.

33 See Manitoba Justice Inquiry, at 739.

- *The Criminal Code be amended to allow judges to designate a specific place and custody for offenders;*
- *The Manitoba Court of Appeal encourage more creativity in sentencing by trial court judges so that the use of incarceration is diminished and the use of sentencing alternatives is increased, particularly for Aboriginal peoples;*
- *The Criminal Code be amended to provide that cultural factors be taken into account in sentencing and in the meantime judges be encouraged to take this approach;*
- *Judges invite Aboriginal communities to express their views to the court on any case involving an offence or an offender from their community;*
- *Aboriginal communities be encouraged to develop the best method of communicating their concerns to the court in a manner that is respectful of the rights of the accused, and of the dignity and importance of the proceedings."*

The Law Reform Commission of Canada makes the following recommendations with respect to sentencing of Aboriginal peoples:³⁴:

- "13(1) *Alternatives to imprisonment should be used whenever possible. The Criminal Code provisions creating such alternatives should ensure that those alternatives are given first consideration at sentencing. A judge imprisoning an Aboriginal person for an offence amenable to the use of alternative dispositions should be required to set forth the reasons for using imprisonment rather than a non-custodial option;*
- (2) *Programs providing alternatives to incarceration should, to the extent possible, be universally available. To pursue this goal, adequate financial and human resources must be made available and comprehensive cost-feasibility studies should be undertaken immediately;*

34 See Law Reform Commission of Canada. Report No. 34, Aboriginal Peoples and Criminal Justice, 1991 at 102-103.

- (3) *Research must be accompanying by monitoring of the programs, together with policy analysis, to allow for structural readjustment as experiences gathered;*
- (4) *Victim-offender reconciliation programs should be expanded and ought to be evaluated more thoroughly than has been done to date. Federal and provincial governments should provide the necessary financial support to ensure that community programs are made more generally available and to encourage their greater use;*
- (5) *The Criminal Code should contain a counterpart to the "alternative measures" provisions in the Young Offenders Act, for disposing of and diverting cases against adult Aboriginal offenders;*
- (6) *Fine option programs should be created in communities that wish to institute them. The program should be provided with resources adequate to allow the community to mount projects that will promote a sense of accomplishment and self-worth. Special measures should be taken to make these programs accessible to Aboriginal women;*
- (7) *The provinces should be encouraged to institute pilot projects on the use of day-fine systems, and Aboriginal communities ought to be among the first beneficiaries of such projects;*
- (8) *Incarceration for non-payment of fines should only occur upon a refusal or willful default to pay a fine, not upon an inability to pay. An offender should not be imprisoned unless the following alternatives have been tried:*
 - (a) *show-cause hearings over why the offender has not paid the fine;*
 - (b) *attachment of wages, salaries and other monies;*
 - (c) *seizure of the offender's property;*
 - (d) *community service equal to the fine; and*
 - (e) *alternative community sanctions.*
- (9) *Community service under programs should be created in communities that wish to institute them. The programs should be provided with resources adequate to determine what kind of community service work could be performed and what resources the community needs to make such programs succeed. Much greater care must be taken in the design of these programs, and the enabling statute or regulation should clearly set out the purposes of the programs. There must be appropriate education of the judiciary, crown prosecutors and*

defence counsel about the purposes and availability of the programs. While its use should be encouraged, the Criminal Code should provide that a community service order will only be imposed after the court has ascertained from the community the opportunities for community service and the willingness of the community to accept the offender;

- (10) Probation services, modified to meet the needs of Aboriginal offenders should be provided in a wide range of Aboriginal communities. More use should be made of community resources, coupled with a commitment to train individuals from the communities to serve as probation officers;*
- (11) A criteria governing eligibility for probation should be formulated to have proper regard for cultural differences and to meet the needs of Aboriginal offenders in communities. In addition, probation reports should give greater emphasis to factors such as the offender's skills, potential employability and preparedness to enrol in treatment or training programs. The community's willingness to become involved in the probation and supervision of the offender should also take on added importance;*
- (12) Further research should be conducted into whether Aboriginal persons receive harsher sentences than non-Aboriginal persons and, if so, the causes of that disparity;*
- (13) A list of factors should be enunciated which, in conjunction with other circumstances, would mitigate sentence where the offender is an Aboriginal person. For example, where an offender is an Aboriginal person, the sentence to be imposed should be reduced if the offender has already been, or will be, subject to traditional sanctions imposed by the community;*
- (14) As we have previously recommended, a well-structured, visible and responsible process of plea discussion and agreement should be established;*
- (15) The Criminal Code provisions pertaining to pre-sentence reports should be considerably more detailed than at present. At a minimum, the contents of those reports and the circumstances in which they are to be ordered should be the subject of clear statutory provisions;*
- (16) The Criminal Code should provide that pre-sentence reports should set out and consider the special circumstances of aboriginal offenders;*

- (17) *Only persons familiar with the general condition of Aboriginal peoples and with their customs, culture and values should prepare pre-sentence reports;*
- (18) *Where incarceration of an offender is being considered for the first time (an incarceration is not required by law), the court should be expressly obliged to order a pre-sentence report. Moreover, the statutes should direct that, whenever incarceration is contemplated, the judge should consider ordering a report;*
- (19) *Where a pre-sentence report is to be prepared, the court should ensure that any unrepresented offender is advised of the possible benefits of having counsel;*
- (20) *Subsection 100(1) of the Criminal Code should be amended to allow for a limited exemption to the mandatory prohibition on the possession of weapons, where a judge is satisfied that the prohibition would be oppressive and unfair and that allowing the offender to have access to weapons for the purposes of making a living would not cause any threat to public safety."*

We will return to these recommendations when we consider our own recommendations under the present Position Paper below.

6- Correctional institutions and correctional services

There are presently no detention facilities, either federal or provincial, in the Nunavik Region. Nor are there any half-way house facilities in the Nunavik region. An offender, whether youth or adult, once convicted and sentenced to spend time in a detention facility must leave Nunavik in order to do so. Unfortunately, accurate statistics as to the number of northern Québec Inuit presently in federal and provincial detention facilities are not available. However, it appears that there now are approximately six (6) northern Québec Inuit offenders in federal detention facilities within Québec, most of whom are held in the detention facilities at La Macaza. All federal detention institutions in Québec and Ontario are in the south. With respect to provincial detention facilities, the ones most proximate to Nunavik are those in

Amos, which has both provincial detention facilities and a half-way house for inmates. Sentences for criminal offences of less than two years are served in provincial institutions whereas sentences of two years and more are served in federal institutions.

Problems:

**Lack of
regional
detention
facilities**

- (1) The absence of detention facilities within the Nunavik Region creates numerous problems for offenders, their families and for northern Québec Inuit society as a whole. Time again, community consultations on justice have revealed that the present system of detention, whereby Inuit are shipped out of the Region for a period of time, is not conducive to rehabilitation.

The Law Reform Commission of Canada recently underlined the importance of establishing local and Regional detention facilities for aboriginal peoples as follows:

"Family, community, culture and spirituality are significant to the rehabilitation of all offenders. However, while for most non-aboriginal offenders prison does not mean incarceration in a foreign cultural milieu, for many aboriginal offenders it does. Thus, it is important to the rehabilitation of aboriginal offenders that they be located as near as possible to their communities, to have access to families, Elders and community support.

Case management officers do consider an offender's community of origin and, in many cases, transfer agreement allow offenders to be located as near as possible to home. However, aboriginal offenders from the North sometimes cannot be transferred because of shortage of space (or non-existence of institutions).".. (comments added)³⁵

35 Canada. Law Reform Commission of Canada. Report No. 34. Minister's reference aboriginal: Aboriginal peoples and Criminal Justice. 1991 at 83.

Many offenders, in particular, younger offenders, view a trip to a southern institution as a "holiday". Detention facilities lack adequate treatment facilities and personnel trained to address particular problems of Inuit. Complaints also focus on numerous collect telephone calls from offenders to their hometowns and the tremendous financial burden this presents to Inuit families, in particular those on welfare. Distance and isolation from their communities also has negative effects on offenders and their morale and ability to be rehabilitated and change their perspectives. Travel costs associated with the vast distances that have to be travelled by family or community members simply to visit an offender in a southern detention facility makes such visits difficult, if not impossible.

In part, sub-sections 20.0.24, 20.0.25 and 20.0.26 of the J.B.N.Q.A. provide recognition of many of the above problems associated with detention of Inuit in the south and are an effort to address them. In particular, sub-section 20.0.26 provides all Inuit of northern Québec with the right to be detained or imprisoned in small institutions located within the Nunavik Region if such institutions are sufficient for those purposes. Sub-section 20.0.24 calls upon the government to revise all sentencing and detention practices so as to take into account Inuit traditions and culture. Sub-section 20.0.25 calls upon the governments to establish appropriate detention facilities in the north (within the judicial district of Abitibi) as soon as possible.

These provisions provide specifically as follows:

"20.0.24. Sentencing and detention practices should be revised to take into account the culture and way of life of the Inuit people, and this, with their cooperation.

20.0.25. As quickly as possible after the execution of the Agreement and after consultation with the Regional Government, the appropriate detention institutions shall be established within the judicial district of Abitibi so that Inuit should not be, unless circumstances so require, detained, imprisoned or confined in any institution below the 49th parallel.

20.0.26. All Inuit persons, wherever they are sentenced or confined, shall, if they so desire, have the right to be detained, imprisoned or confined in small institutions located within the territory of the Regional Government if such institutions are adequate for these purposes having due regard to all circumstances."

The above provisions of the J.B.N.Q.A. remain unimplemented. Nor do the correctional facilities at Amos even come close to satisfying the needs for Regional and community-based detention facilities and services.

Hardship of (2)
southern
incarceration

Access to Inuit traditions and customs is also broken by incarceration of an offender in the south. Inuit country food is not available; nor are regular visits from family and friends; nor are traditional cultural healing and rehabilitative services.

Short release (3)
difficult

Lack of proximity to family and community also make release of an offender on a day pass or weekend pass from an institution in the south not possible since the offender has no reliable and supportive place to stay. Day passes and weekend passes seem to be the luxury of non-Native offenders and this raises the spectre of discrimination within the correctional system.

Cultural and (4)
linguistic
barriers

Cultural and linguistic barriers as well as long-standing prejudices between non-Natives and Natives make a southern detention facility inhospitable for Inuit offenders. Coupled with rehabilitative programs designed for southern offenders rather than Inuit, detention in a southern facility serves little productive purpose for either the offender or the system.

7- Post-Incarceration: facilities and programs

Post-correction refers to the period after which an offender is released from detention, either because he has completed serving his sentence of incarceration in a detention facility or because he has been paroled. This period, for the purposes of discussion, also includes offenders who have been released on probation (instead of incarceration) or conditional discharge, or who may be involved in some alternative program to incarceration such as restitution, fines, special release programs, etc.

The Criminal Code ³⁶ allows a court to make probation orders for an offender who pleads guilty or is found guilty and who is released with suspended sentence, on conditional discharge or with an order to pay a fine. Probation, or the probation order, enables the court to still have

36 Section 737(2) of the Criminal Code which provides as follows:

"[Conditions in probation order] The following conditions shall be deemed to be prescribed in a probation order, namely, that the accused shall keep the peace and be of good behaviour and shall appear before the court when required to do so by the court, and, in addition, the court may prescribe as conditions in a probation order that the accused shall do any one or more of the following things as specified in the order, namely:

- (a) report to and be under the supervision of a probation officer or other person designated by the court;
- (b) provide of the support of his spouse or any other dependants whom he is liable to support;
- (c) abstain from the consumption of alcohol either absolutely or on such terms as the court may specify;
- (d) abstain from owning, possession or carrying a weapon;
- (e) make restitution or reparation to any person aggrieved or injured by the commission of the offence for the actual loss or damage sustained by that person as a result thereof;
- (f) remain within the jurisdiction of the court and notify the court or the probation officer or other person designated under paragraph (a) of any change in his address or his employment or occupation;
- (g) make reasonable efforts to find and maintain suitable employment; and
- (h) comply with such other reasonable conditions as the court considers desirable for securing the good conduct of the accused and for preventing a repetition by him of the same offence or the commission of other offences."

control over an offender even though that offender is not incarcerated in a detention facility. Probation allows an offender to stay within his community and continue with his regular, normal life while at the same time being subject to certain controls, restraints and rules; namely, those contained in the probation order. The court uses probation officers (In Québec, probation is the responsibility of the *Ministère de la sécurité publique*) to supervise and ensure that offenders follow their probation orders. Probation is most often used when the court is dealing with a first-time offender or in dealing with lesser or minor offences and there is perceived to be little danger to society in having the offender released into its midst.

Parole, in contrast to probation, involves the conditional release of an inmate before the entire sentence has been served. It is a way of reintegrating an offender solely back into society under supervision (parole supervision). In this sense, probation and parole are similar in that they are both premised on the idea that an offender is better off in the community than in an institution. Parole is granted by the National Parole Board for federal correctional institutions or provincial parole boards where they exist for provincial correctional facilities. In Québec, both the National Parole Board and a provincial parole board function concurrently. Parole of an inmate is subject to the supervision of parole officers working for federal or provincial Correctional Service Departments.

The central responsibility of the parole board, whether federal or provincial, is to determine from a base on several criteria, if an inmate is ready for release under certain conditions. This decision is probably as important as the one which a judge or jury makes when they originally convict and sentence the offender: It is a decision to either keep the offender incarcerated or to allow him to go free, upon conditions. Currently, there are four main types of parole available: temporary absence (escorted or unescorted passes for medical or humanitarian

reasons or educational purposes rarely exceeding a few days); day parole (release into the community for the day but return to the institution at night, normally for educational, training or work purposes. Inmates are normally eligible for full parole after serving one-third of their sentence); mandatory supervision (this is time credited to the offender for good behaviour on the basis of one day of credit or remission for every two days served) allows offender to be released for part of his sentence under mandatory supervision in the community without going through the parole process but when their earned remission time is equivalent to outstanding remaining time on their sentence.

Problems:

The success or failure of probation and parole is directly related to post-release resources and facilities within the community. Such resources must include alcohol and drug rehabilitation and treatment programs since many offences, particularly with respect to Inuit, are related to abuse of those substances. It is clear that the quality and availability of all of these post-release services affect the rate of recidivism.

**Lack of
adequate
probation
services**

- (1) Within Nunavik, there are presently three probation officers; two based in Kuujuaq and one based in Kuujuarapik. Only one (1) of these probation officers is Native (but, as it happens, non-Inuit). These probation officers are responsible not only for probation supervision but for parole supervision as well for the Region. According to information provided by the *Ministère de sécurité publique*, each of these probation officers is presently carrying an average caseload of approximately sixty-five clients and undertakes three to five psychological examinations per year in the Region for the courts.

Community consultations reveal that probation and parole supervision is inadequate in northern Québec. Current probation officers are overloaded and do not travel on a regular enough basis to the communities (no more than once per month) to provide the necessary support, counselling and supervision of probation and parole subjects.

The result is that an offender under probation or parole does not receive adequate supervision or support and this jeopardizes both the offender's future as well as the community's peace and stability.

Overburden- (2)
ing of social
workers

There are numerous complaints from social workers within northern Québec that most probation and parole supervision falls upon them because probation officers are not sufficiently available within northern Québec to address its needs. Moreover, these social workers do not have the necessary training or time, given their present other duties, to handle probation and parole supervision issues.

Though the Québec Government is aware of these serious problems, little is being done to augment current resources in the area of probation and parole supervision and as a result undue pressure and stress is being placed upon social workers who eventually collapse under this weight.

Lack of (3)
adequate
release
preparation
for inmates

Community consultations also reveal complaints that inmates are not being properly prepared by detention or half-way facilities for their release into the community. As well, complaints center on the ineffectual nature of existing probation officers in Nunavik because they are not sensitive to

the particular needs and circumstances of Inuit. This apparently is exacerbated by the fact that existing probation officers cannot communicate in Inuktitut.

Lack of post-
incarceration
programs and
facilities

(4)

Unlike the south where counselling and treatment programs as well as job opportunities are more widely available, Inuit communities of Nunavik severely lack any of these resources. The result most often means an unproductive, useless and even negative post-release experience for the offender and the community. No half-way house facilities exist presently in any of the Nunavik communities, though one is contemplated for Kuujuaq.

Lack of
statistics

(5)

Probably more serious, no accurate up-to-date statistics exist on success or failure of probation and parole subjects in Nunavik and on social and other impacts on the community of such successes and failures.

Lack of
training
programs

(6)

Also lacking are specific training programs for probation and parole officers and, as it is, for social workers, to familiarize them with Inuit customs and traditions and the particular circumstances and resource shortcoming of communities of Nunavik. Subsections 20.0.12 and 20.0.16 require probation officers to have adequate knowledge of Inuit customs, traditions and "psychology". Adequate courses for these purposes do not exist nor do they involve participation by Inuit in their planning or implementation. Consequently, subsections 20.0.12 and 20.0.16 of the J.B.N.Q.A. remain unimplemented.

Lack of
education
and training
for Inuit

- (7) Moreover, subsection 20.0.17 calls specifically upon the *Ministère de la justice* in consultation with the Kativik Regional Government to establish educational and training programs for Inuit, to enable them to become probation and information officers for the Nunavik Region. These programs and courses do not exist and subsection 20.0.17 of the J.B.N.Q.A. remains unimplemented. The proof of this is that there are no Inuit probation officers for the Nunavik Region presently.

To summarize problems related to post-incarceration and post-release in Nunavik, programs and facilities are under-staffed, personnel insufficiently trained, Inuit communities inadequately consulted on design or implementation of programs and even the most basic undertakings in the J.B.N.Q.A. designed to upgrade and improve the system remain unimplemented.

Regional and community needs with respect to detention facilities and post-incarceration facilities and services are increasing, not decreasing. The *Ministère de la sécurité publique* provided us with figures which indicate that in 1975 there were 75 northern Québec Inuit in detention in Québec but by 1981 this had increased to 230. Up until 1987 the detention facilities and services at Amos were sufficient for northern Québec Inuit offenders but now it is necessary to use those facilities at Waterloo as well.

8- Young offenders and youth problems

Youth and young offenders present special problems and challenges for the administration of justice throughout Canada and in particular, in northern Québec. Unlike demographic figures elsewhere in Canada and Québec, Nunavik has a relatively young population (approximately 52.4% of the current Nunavik population of 6,407 are under the age of 19

years). When this demographic fact of northern Québec is coupled with the current realities of few economic or employment opportunities, easy availability of alcohol and drugs and few or no recreational facilities and programs geared to youth, the potential for crime is high.

As in the rest of Québec and Canada, youth (persons under the age of 18 years) are accorded special treatment under the criminal law and in Québec, are subject to two specific pieces of legislation which accord them special protection and treatment under the law: the *Young Offenders Act*, S.C. 1980-81-82, c.110; the *Youth Protection Act*, L.R.Q., c. P-34.1. Both these pieces of legislation, one federal and one Québec, are based on the premises that young persons have special needs different from adults, cannot always be held accountable fully for their actions because they are not fully developed as adults, and as young persons, they have a greater capacity for learning and change (and correction) than adults do. Though the court has the power to transfer a young offender into the regular court system,³⁷ the offences of youth are dealt with by the Youth Court which in Québec is a jurisdiction of the Cour du Québec. In northern Québec, there is a judge of the Cour du Québec and as such also constitutes a Youth Court judge.

More important here for the administration of criminal justice in northern Québec in regard to youth, is the application of the federal *Young Offenders Act* which essentially applies to young persons between the ages of 12 and 18 and which is the law applied to such youth offenders in conjunction with the Criminal Code.³⁸ The Canadian policy with respect to young offenders is contained in section 3 of the *Young Offenders Act* and provides as follows in this regard:

37 See section 16, *Young Offenders Act*, S.C. 1980-81-82, c.110.

38 See section 51, *Young Offenders Act*, S.C. 1980-81-82, c.110.

"3(1) It is hereby recognized and declared that :

- (a) *While young persons should not in all instances be held accountable in the same manner or suffer the same consequences for their behaviour as adults, young persons who commit offences should none the less bear responsibility for their contravention;*
 - (b) *Society must, although it has the responsibility to take reasonable measures to prevent criminal conduct by young persons, be afforded the necessary protection from illegal behaviour;*
 - (c) *Young persons who commit offences require supervision, discipline and control, but, because of their state of dependency and level of development and maturity, they also have special needs and require guidance and assistance;*
 - (d) *Where it is not inconsistent with the protection of society, taking no measures or taking measures other than judicial proceedings under this Act should be considered for dealing with young persons who have committed offences;*
 - (e) *Young persons have rights and freedoms in their own right, including those stated in the Canadian Charter of Rights and Freedoms or in the Canadian Bill of Rights, and in particular a right to be heard in the course of, and to participate in, the processes that lead to decisions that effect them, and young persons should have special guarantees of their rights and freedoms;*
 - (f) *In the application of this Act, the rights and freedoms of young persons include a right to the least possible interference with freedom that is consistent with the protection of society, having regard to the needs of young persons and the interests of their family;*
 - (g) *Young persons have the right, in every instance where they have rights or freedoms that may be effected by this Act, to be informed as to what those rights and freedoms are; and*
 - (h) *Parents have responsibility for the care and supervision of their children, and, for that reason, young persons should be removed from parental supervision either partly or entirely only when measures that provide for continuing parental supervision are inappropriate.*
- (2) *This Act shall be liberally construed to the end of that young persons will be dealt with in accordance with the principles set out in sub-section (1)."*

Problems:

It is questionable whether the Nunavik Region has the resources, human and otherwise, to meet many of the above principles, in particular, those relating to (1) requirement for supervision, discipline and control; and (2) requirement for guidance and assistance due to their special needs. While use by the court of alternative measures is contemplated by the *Young Offenders Act*, (section 4), judicial proceedings are compromised by the lack of availability of adequate supervision and support systems within the Region. As indicated earlier, the administration of justice is comprised of many components all of which interact and are inter-related. If one component is absent or insufficient, this can drag down the other elements and make them ineffectual as well.

**Lack of
facilities and
programs for
youth**

- (1) Northern Québec presently lacks any significant facilities directed solely towards youth and youth offenders. Nor are there animators or counsellors trained specifically in youth problems available at the community level on a day to day basis. This situation makes the application of "alternative measures" by a judge with respect to young offenders difficult and perhaps may even, in some cases, prevent full application by the court of the options normally available with respect to young offenders. If the communities of Nunavik lack the basic resources necessary for federal policy with respect to young offenders to apply, when this is not the case in other parts of Canada, in particular southern parts of Canada, then in fact this may constitute discrimination against Inuit young offenders when compared to their southern non-Native counterparts. The administration and implementation of this policy and law for young offenders is a Québec responsibility.

- Lack of (2) It is also unclear as to whether the police respect and
implement-
ation of
principles of
Young
Offenders
Act
- It is also unclear as to whether the police respect and implement the principles of the *Young Offenders Act* when dealing with Inuit young offenders. Like the judges and prosecutors, they too are supposed to implement the policy of "taking no measures or taking measures other than judicial proceedings when dealing with young persons who have committed offences" (section 3(d), *Young Offenders Act*). The law here opens the door to all forms of diversion which do not appear to be taken advantage of. This is difficult to evaluate without statistics. This is probably one of the more major problems involved in attempting to assess current programs and legislation designed to assist and address the needs of young offenders in northern Québec: lack of suitable, up-to-date, specific data and statistics.
- Lack of (3) There are other principles of the *Young Offenders Act* that are
information
and
participation
in process by
youth
- There are other principles of the *Young Offenders Act* that are not being respected in northern Québec: those relating to young persons being informed as to their rights and their right to participate in decisions of the justice system that effect them. More particularly, as above outlined, sub-section 3(1)(e) and 3(1)(g) provide that the young offender has the right "to participate in the processes that lead to decisions that effect them, and young persons should have special guarantees of their rights and freedoms" and that "young persons have the right, in every instance where they have rights or freedoms that may be effected by this Act, to be informed as to what those rights and freedoms are". Because of the overall lack of information in Nunavik concerning the justice system as a whole and young offenders in particular, these above principles are not presently being met. Without adequate information about the justice system and how it works in

general, and about their particular case specifically, it certainly cannot be said that the individual is "informed as to what his rights and freedoms are". Furthermore, if that individual does not even know what his rights and freedoms are, how can he possibly participate intelligently in "the processes that lead to decisions that effect him?" Many young offenders do not even know that they have a right to consult with legal counsel before making any statements to the police. But has this become an empty right if counsel is not accessible for these purposes on a timely basis?

Lack of
youth-
targeted
crime
prevention
programs

- (4) Another major problem relates to the absence at the community level of effective crime prevention programs for youth. It is well-known that meaningful efforts at prevention can save countless dollars and human misery later on. Yet, little is being done at the community or Regional level in Nunavik to address the need for preventive programs for youth. Ongoing support and counselling systems which can help and give hope to youth in crisis are absent. It is only when a young person becomes involved in the criminal justice system as an offender that some resources become available to him, and even these, as we have seen above, are not adequate. What we are talking about here are not even necessarily "culturally appropriate" or "culturally sensitive" preventive measures; simply ordinary southern time-tested preventive measures which have been known to work in other parts of Québec and Canada over the years.

The Manitoba Aboriginal Justice Inquiry makes reference to this as follows:

"There is virtually no effort by the criminal justice system, or any other system, aimed at preventing youth crime in Aboriginal communities. However, the Province is affecting vast resources to respond to crime once it has occurred. We believe the priorities are misplaced.

Crime prevention must take into account the culture of the community, in addition to the severe social and economic realities of the community or area. This must include an understanding of the causes of family dysfunction and the historical and contemporary situations facing young Aboriginal people. Crime prevention programs must take into account the poverty, deprivation and isolation faced by many Aboriginal communities and their youth. Crime cannot be prevented without addressing these problems."³⁹

This means that ways have to be found to address the recreational, training, skills, employment and social and psychological needs of Nunavik youth if truly effective and permanent solutions to crime and criminal activity and attitudes in Nunavik are to be found.

39 Manitoba. Report of the Aboriginal Justice Inquiry of Manitoba. 1991 at 587.

E. RECENT INUIT RESPONSE TO JUSTICE PROBLEMS

In an effort to accelerate improvements in the administration of justice for northern Québec, Makivik at its Annual General Meeting in Kangirsuk (April 30- May 4, 1990) adopted a resolution following a Workshop on Justice. This resolution⁴⁰ established a Makivik-Kativik Regional Government Task Force to inform and consult Inuit of Nunavik with respect to all justice issues. The formal name of the Task Force is the Inuit Justice Task Force (hereinafter referred to as the "Task Force"). The Task Force consists of six (6) Inuit representatives appointed jointly by Makivik and the Kativik Regional Government who work on a part-time basis. There is a Chairperson who is chosen by the members of the Task Force. The members of the Task Force have the responsibility of meeting, overseeing and reviewing the work of the Task Force; holding consultations and hearings in the communities on matters within the mandate of the Task Force; and generally taking all decisions with respect to the work and positions of the Task Force.

The objectives of the Task Force are the following:

- to educate, inform and consult the population of Nunavik on matters related to the administration of justice;
- to analyze the data obtained through the consultations with Nunavik and other sources and make appropriate recommendations with respect to the administration of justice for Nunavik taking into account provisions of the J.B.N.Q.A. and northern Québec Inuit aspirations to self-government;
- to provide information to northern Québec Inuit with respect to historical and current justice systems in northern Québec;
- to conduct research into the various aspects of administration of justice in northern Québec;

40 See Resolution No. 1990-M-2 entitled *Consultation regarding Administration of Justice*, from the Makivik Annual General Meeting held in Kangirsuk, Québec, April 30-May 4, 1990 in Annex 14 of this Position Paper.

- to ensure that all those affected by the administration of justice in Nunavik are directly involved and participate in any solutions to existing problems in this area.

The Task Force has to carry out its mandate within a two (2) year period. The main areas of focus of consultation of the Task Force include: preventive measures concerning criminal matters; law enforcement issues; matters related to the present court system and possible future dispute resolution systems; correctional services; post-correctional services; role of Inuit customary laws and traditions in substantive and procedural laws for the region and special problems of youth and youth offenders.

The methodology employed by the Task Force includes the distribution of educative materials (both oral and written); use of questionnaires both prior and during consultation trips to the communities; use of local FM stations to stimulate discussion concerning relevant issues and to convey information; video presentations explaining the work and mandate of the Task Force and justice issues; use of other media including IBC and Makivik News to provide information to the communities and to solicit opinions from them; consultation trips to the communities to consult municipal councils, landholding corporations, specific groups including youth groups, Elders groups, drug and alcohol groups, etc.

Consultations by the Task Force represent the first time in the history of Nunavik that a comprehensive consultation of the population on issues related to the administration of justice has been undertaken. The creation and implementation of this Task Force as well as its works underline the importance placed by Makivik and the Kativik Regional Government on community input through consultation into all changes and decisions related to the justice system in northern Québec. Many of the recommendations contained in the present Position Paper reflect the results and findings of the preliminary series of consultations by the Task Force with the communities during 1991. However, the work of the Task Force is on-going and more detailed consultations with the communities and specific interests groups within Nunavik will have to be undertaken on some of the specific issues identified by the Task Force requiring more

research and consultation. One such area involves alternative systems for dispute resolution for local communities.⁴¹

The educative and consultative work of the Task Force is central to the accurate identification of the needs of the Inuit communities in regard to the administration of justice. Though many needs are easily determined, there remain many needs which are not so obvious. Identifying those more elusive needs requires substantial community input as do finding appropriate and workable solutions.

It is hoped that a group of informed and concerned Inuit as contained in the Task Force is the most effective method for tapping the information in community members so necessary to finding solutions to current problems in the justice system of Nunavik.

41 See Annex 15 of the present Position Paper for a copy of a discussion paper entitled *Plan of Operation: Inuit Justice Task Force 1991* for a more detailed explanation of the Inuit Justice Task Force and its work.

F. RECOMMENDATIONS

Preventive measures/recommendations

It is recommended that:

- | | |
|----------------------------------|--|
| <u>Research</u> | (1) <u>As an immediate measure, statistical and other research on crime, recidivism, basic demographics and other social, economic patterns of the Region be undertaken and funded by the Québec Ministère de la Justice since little productive work in the area of justice can be done in the Region without such data.</u> ⁴² |
| <u>Recreation program</u> | (2) <u>A comprehensive recreation program for youth and adults be developed for the Nunavik Region as a whole and for each of the Inuit communities contained therein.</u> <ul style="list-style-type: none">° This program must not simply consist of physical infrastructure such as arenas and community centres though these buildings are a good beginning. This recreation program must be designed to address the specific needs of each community, and the Region as a whole, and must have adequate funding for animators, staff, equipment and supplies as well as operational and maintenance of physical plant.° This program must be funded by Canada and Québec jointly and represents a fundamental preventive measure with respect to crime in northern Québec. |

42 See Annex 16 of the present Position Paper which contains a list of initial research topics for such purposes.

- This recreational program must be designed by a Working Group consisting of Québec and Canada in conjunction with Makivik Corporation, the Kativik Regional Government and the Kativik School Board.
- It is further recommended that a proposal in this regard be developed within one (1) year of the present recommendation.
- It is also recommended that this recommendation and the proposal that will flow from it be considered a priority for the Québec Cabinet.

**Alcohol and
drug Abuse
treatment
facilities**

- (3) Alcohol and drug abuse treatment and rehabilitation facilities be established initially at at least two locations within the Nunavik Region, preferably in communities other than Povungnituk, Kuujjuarapik and Kuujuaq.
- It is also recommended that Canada and Québec jointly fund the establishment, staffing, operation and programming of these two centres.
 - It is also recommended that each centre maintain a research component in which statistics and data be carefully maintained for scientific and educational purposes of all activities, treatments and problems dealt with by these centres.
 - It is further recommended that training programs be developed for their staffing and that Inuit of Nunavik, to the extent possible, given the time delays and degree of professionalism of staff positions, be given priority over all jobs in such centres.

- With respect to staff positions in those centres requiring education and training in the south, it is recommended that Canada and Québec, through the Kativik School Board, arrange and prepare for a streamlined program in a southern post-secondary educational facility to educate and train such Inuit, the whole at federal and Québec expense, the whole so as to ensure that those staff positions are eventually filled by Inuit.
- It is further recommended that the actual nature, location and staffing of these treatment centres and their programming be the subject of consultations with Makivik, the Kativik Regional Government and the Municipal Councils.
- It is recommended that such consultations not exceed three (3) months.

Recommend-
ations of
Rapport du
comité Inter-
ministériel

- (4) The Recommendations of the January 25, 1989 *Rapport du comité interministériel sur l'abus des drogues et de l'alcool*⁴³ be implemented on an urgent basis. These Recommendations are excerpted in Annex 17 of this Position Paper.

43 See Gouvernement du Québec. Ministère du Conseil exécutif. Secrétariat aux affaires autochtones. Ministère de la Sécurité publique. Bureau du sous-ministre, *L'Abus des Drogues et de l'Alcool chez les Cris, les Inuits et les Naskapis*. Rapport du Comité interministériel sur l'abus des drogues et de l'alcool, January 25, 1989 in Annex 17 of the present Position Paper.

CRSSS (5) With respect to mental health services for the Nunavik Region, that as an initial step the C.R.S.S.S mental health report entitled *Regional Service Organization Plan* and dated December 1991, be implemented by Québec.⁴⁴

mental health report

Crises (6) A Working Group consisting of the *Ministère de la justice*, *Ministère de la sécurité publique* and the *Ministère de la Santé et des Services sociaux*, Makivik Corporation and the Inuit Justice Task Force (Task Force) and Committees to be formed within each Nunavik community, meet and develop a plan for crisis intervention for each Nunavik community.

intervention plan

- It is recommended that the costs of planning and implementing such crisis intervention teams be borne by Québec *Ministère de la Justice*, M.S.S.S. and *Ministère de la Sécurité publique* since the intention here is to assist the communities and Québec in effective social control and law enforcement in times of community crisis.

- It is further recommended that development of the plan contain a set of minimal criteria or conditions for the establishment of crisis intervention teams in each community including planning and implementation participation by the Municipal Council, the local Youth Committee, the local police; 24-hour access by each team to professional advice (police, social services, medical, etc.) in the south; basic crisis intervention infrastructure within the community including holding cells;

44 See Annex 18 of this Position Paper for a copy of this C.R.S.S.S. mental health report.

development of a specific plan with pre-designated players and their replacements within the community for any crisis; training and upgrading of crisis intervention skills for each crisis team on a regular basis at central locations within the Region organized and coordinated by the Kativik School Board.

**Public
Education
programs**

- (7) It is recommended that suitable public education programs with respect to causes, results and proper handling of social problems in the Nunavik Region and on the administration of justice for the Nunavik Region in general be developed and implemented.
- Development and implementation of such public information material and programs should be funded by Canada and Québec and developed by a Working Group made up of Québec Departments, the Task Force, the Kativik School Board and the Kativik Regional Government.
 - It is further recommended that this public information program make full use of all forms of media including video, regular monthly publications for the Region, direct mail information into Inuit homes, regular information and consultation tours to the communities, etc.
 - It is also recommended that development of this program involve the training of Inuit animators for use in both community consultation and information sessions and as personalities on videos for the Region in this regard.
 - It is also recommended that Québec provide funding to the Task Force for its participation and contribution in this work.

**Substantive and Procedural law and its application to
Nunavik/recommendations**

It is recommended that:

**Inuit
customary
law and
traditions
research**

- (1) As an immediate measure, research into the nature and extent of Inuit customary law and traditions be undertaken in order that both Québec and Inuit of Nunavik can be in a position to know exactly what such customs and traditions are. It is significant that the recent Law Reform Commission of Canada Report on aboriginal peoples and criminal justice⁴⁵ underlines the importance of customary law and practices and the need for research into aboriginal customary law. In particular, the Report underlines how customary law could affect many decisions within the current criminal justice system if properly applied. The Report indicates as follows:

"For many years, it was felt that aboriginal persons should be assimilated rather than encouraged to retain their own culture. Owing to assimilation efforts, some knowledge of 'traditional' ways has been lost or is in danger of being lost. Given the interest in more traditional ways in some communities, the need for information about the past has become important.

Customary law can be just as effective a mechanism of social control as statutory law:

It is unfortunate that the term 'custom' implies something that is somehow less or of lower degree of law. There are connotations that 'custom' is somehow outside the 'law' of government, which is powerful and binding. This is an ethno-centric view ...

We believe that modern practices can be reflections of traditional methods. Judges must be better sensitized to the customary practices of Aboriginal communities.

Information about aboriginal customary law could effect many procedural decisions within the current criminal justice system. Such information might influence a trier

45 Canada L.R.C.C. Report on Aboriginal Peoples and Criminal Justice. Report No. 34. 1991 at 38-39.

of facts: decision about the behaviour of a 'reasonable person', which would be relevant to many decisions about criminal intent, including questions of recklessness, criminal negligence and provocation. Aboriginal customary law might also effect various defences allowed under the Criminal Code, such as whether one acted with legal justification or excuse (sub-section 429(2)) under collar of right (section 322 and sub-section 429(2)) or in obedience to de facto law (section 15). Before specific proposals could be made in this area, more information is necessary."

Other recent reports on aboriginal justice throughout Canada have recommended a similar need for serious research into aboriginal customs and traditions for application within the justice systems.

- ° It is recommended that a Working Group be established consisting of Québec and Canada and the Task Force to develop a research plan and that Québec and Canada engage experienced researchers, including Inuit, to undertake this research commencing no later than three (3) months from the tabling of the present Position Paper.
- It is further recommended that this research plan be coordinated with any efforts of the Chambre des Notaires du Québec in view of the sponsoring by the Chambre des Notaires at the Québec "Sommet de la Justice" on February 20, 1992 of a Proposition concerning development of a handbook of aboriginal customs and traditions. This Proposition Number 1.730 was adopted by the "Sommet de la Justice".⁴⁶

46 See Annex 19 of this Position Paper for the text of this Proposition.

- It is further recommended that this research be accomplished within the shortest possible period of time so that Québec can be in a position to fulfill many of its obligations under Chapter 20 of the J.B.N.Q.A., such provisions presuming an existing body of knowledge of "Inuit psychology, customs, traditions and usages".

Training
program for
justice
personnel

- (2) As an immediate measure, establish a Québec/Inuit Working Group to prepare a plan of implementation for those provisions of Chapter 20 of the J.B.N.Q.A. requiring training of all persons working within the justice system in northern Québec in the "Inuit psychology, customs, traditions and usages".

- It is recommended that Québec fund this Working Group and that Inuit participants therein be recommended by the Task Force.
- It is further recommended that such implementation plan minimally contain provision for Inuit involvement in education and training of non-Inuit personnel and in the preparation of course material; that the plan be based upon certain principles which recognize and accept certain fundamental differences between Inuit and Euro-Canadian legal systems.
- It is further recommended that this work be coordinated with the above recommended customary law research. Reference here should be made to sub-sections 20.0.8, 20.0.12, 20.0.16, 20.0.18, 20.0.20, 20.0.23, 20.0.24 of the J.B.N.Q.A.

- ° It should be noted that the Law Reform Commission of Canada recently recommended ⁴⁷ that though greater cross-cultural training was proposed at the 1975 National Conference on Native Peoples and the Criminal Justice System, little has been done to implement this important recommendation. The Law Reform Commission of Canada goes on to recommend as follows:

"(3) Cross-cultural training for all participants in the criminal justice system, including police, lawyers, judges, probation officers and correctional officials, should be expanded and improved. This training should be mandatory and ongoing for those whose regular duties bring them into significant contact with Aboriginal persons. Local Aboriginal groups should be closely involved in the design and implementation of the training."

- It is further recommended that any such programs be fully coordinated with any efforts of the Barreau du Québec in view of the adoption by the "Sommet de la Justice" on February 20, 1992 of a Proposition Number E.316 of the Barreau du Québec calling for establishment of training sessions for the legal community and others involved in justice-related matters on the socio-cultural realities of aboriginal communities.⁴⁸

Training and
education
programs be
mandatory
and ongoing

- (3) Any training and education programs in this regard developed pursuant to the provisions of Chapter 20 of the J.B.N.Q.A. be made mandatory and ongoing for all personnel working within the justice system in Nunavik.

47 Canada. Law Reform Commission of Canada. Report No. 34. Aboriginal Peoples and Criminal Justice. 1991 at 30-31.

48 See Annex 19 of this Position Paper for the text of this Proposition.

Incorporation of Inuit customs and traditions into penal and criminal law and procedure (4)

A Québec/Canada/Inuit Working Group be established to develop a plan of action for incorporation of Inuit customs and traditions into the existing substantive and procedural laws presently applicable to Nunavik.

- Specifically, this involves proposed amendments to rules of practice, to the Criminal Code, the Canada Evidence Act and all related legislation effecting the administration of justice in Nunavik.
- Sub-sections 20.0.6, 20.0.7, 20.0.20, 20.0.21, 20.0.22 and 20.0.24 be fully implemented in this regard.
- It is further recommended that the Inuit members of this Working Group be recommended by the Task Force. It is also recommended that Canada and Québec fully fund the work of this Working Group which will minimally involve legal expertise from within both the public and private sectors.
- It is further recommended that the development of this action plan include consideration of the possible necessity for separate criminal and civil codes and a separate Charter of Rights solely for the people in the Region of Nunavik in order to better balance individual and collective rights within the Region, in addition to incorporation of Inuit customs and traditions into the existing body of general application. Such possible Codes and Charter could supplement rather than replace the provisions of existing general laws, codes and Charter.

- It is further recommended that given the serious nature of this task and the expertise required that the Working Group be chaired by a suitable individual acceptable to all parties.

Law enforcement/recommendations

It is recommended that:

Regional (1) As an immediate measure and on an urgent basis, a
police force Québec/Inuit/Kativik Regional Government Working Group be
established to develop an action plan to properly implement
Chapter 21 of the J.B.N.Q.A.

- This plan of action must include specific proposals for the selection, training, deployment, size, nature, facilities and infrastructure and quality of a Regional police force.
- It is recommended that Québec fully fund the work of this Working Group and that the Working Group have no more than four months from the time of the tabling of the present Position Paper to prepare and table its proposals with the *Ministère de la sécurité publique*, Makivik Corporation and the Kativik Regional Government.
- The plan of action and proposals must minimally consider the following elements: accountability of the police force to the local communities; public education on the role of law enforcement in the justice system in Nunavik; police training program within the Nunavik Region and delivery by appropriate bodies or institutions.

Interim police service (2) As an immediate measure, an interim system of police services and protection for the communities be provided by the S.Q. in consultation with each community, until the above proposals and action plan have been reviewed and implemented.

Police services for every community (3) As an immediate measure, sub-section 21.0.3 of the J.B.N.Q.A. limiting police presence to only communities of 500 persons or more be amended so as to eliminate this restriction.

Police Training School (4) A Regional police training school within Nunavik be established and operated jointly by the S.Q. and the Kativik School Board.

Consultations with communities on police needs (5) Any police services recommended by the Working Group above fully consult each Inuit community in Nunavik and adapt its proposal and action plan to take into account the specific needs and recommendations of each of those communities. It should be noted in this regard that the Law Reform Commission of Canada ⁴⁹recommended as follows in this regard:

"At present, policing on reserves is governed by a wide variety of arrangements. Although one might initially think it is desirable to bring about greater uniformity in police services, in these circumstances we see no problem with diversity per se. Different communities have different requirements, aspirations and needs.

49 Canada. Law Reform Commission of Canada. Report No. 34. Aboriginal Peoples and Criminal Justice. 1991 at 47.

8(3). The federal and provincial governments should facilitate autonomous aboriginal police forces wherever local communities desire them. No single structure or role for that police force should be demanded. If the force is to be autonomous, then its structure and its role must be determined by the community."

Consultations, funding by Québec (6) All funding for consultations by the Working Group with the communities on their respective needs for police services be funded by Québec.

Legal representation/recommendations

It is recommended that:

- Legal aid needs** (1) A Working Group of the *Ministère de la justice*, Kativik Regional Government and Task Force be established to address specifically the Legal Aid needs of the Nunavik Region with respect to criminal matters.
- ° The mandate of this Working Group should minimally include a study in consultation with the communities on the needs, budgetary implications of those needs and maximization of delivery of those services (i.e., locate Legal Aid offices within the Nunavik Region or provide larger travel budgets to outside services?)
 - ° It is further recommended that this Working Group be funded by the *Ministère de la justice*. It is recommended that this Working Group have one (1) year in which to fulfill its mandate and to report to the *Ministère de la justice*, the Kativik School Board and the Task Force from the date of the tabling of the present Position Paper.

Inuit lawyers (2) A Working Group of the *Ministère de la justice*, the Kativik School Board and the Task Force be established with a mandate to determine the most effective methods to attract northern Québec Inuit into the legal profession and to educate interested northern Québec Inuit for those purposes.

- It is further recommended that this Working Group be funded by the *Ministère de la justice*.
- It is further recommended that the mandate of this Working Group minimally included the power to examine other educational and university systems in other Regions and provinces which have established aboriginal legal study programs for this purpose and also the possibility of creating grants and award programs for these purposes.
- It is recommended that this Working Group have one (1) year in which to fulfill its mandate and to report to the *Ministère de la justice*, the Kativik School Board and the Task Force.

Education and Training program for Legal Aid (3) Subsections 20.0.8, 20.0.12 and 20.0.19 of the J.B.N.Q.A. be fully implemented through the development of a specific education and training program for all Legal Aid lawyers and staff working directly or indirectly in the administration of justice for the Nunavik Region.

- It is recommended that funding for this educational and training program be provided by the *Ministère de la justice*.

- It is further recommended that the educational training course materials for this program be jointly prepared by the *Ministère de la justice*, the Kativik School Board and the Task Force and that a Working Group be established for this purpose.
- It is further recommended that the work of the Working Group be funded by the *Ministère de la justice*.

**Public
education on
role of
counsel**

- (4) The *Ministère de la justice* in conjunction with the Kativik School Board and the Task Force establish a public education program for Nunavik for the purposes of educating and informing the public of Nunavik on the importance and role of legal counsel in both civil and criminal matters and in the administration of justice in the Region as a whole.
- It is further recommended that a Working Group be established for these purposes and be fully funded by the *Ministère de la justice*.
 - It is further recommended that the mandate of this Working Group minimally include an examination of all available materials and resources to date for these purposes and the most effective techniques for educating and informing the population on this subject-matter.
 - It is further recommended that the Working Group explore the possibility of combining its educational program proposals with those for other aspects of the justice system and the possibility of a comprehensive public education program in this regard.

Court System/recommendations

It is recommended that:

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| <u>Training of non-Inuit personnel</u> | <p>(1) <u>Provisions of Chapter 20 of the J.B.N.Q.A with respect to training of non-Inuit justice personnel in the usages, customs and traditions and psychology of the Inuit be fully implemented.</u></p> <ul style="list-style-type: none">◦ It is recommended that, for this purpose, a Working Group be established with the <i>Ministère de la justice</i>, the Kativik School Board and the Task Force for the purposes of developing a plan of action to accomplish the training of non-Inuit personnel.◦ It is further recommended that this Working Group be funded by the <i>Ministère de la justice</i>.◦ It is also recommended that this Working Group be given one (1) year in which to complete its mandate and to file its report with the <i>Ministère de la justice</i>, the Kativik School Board and the Task Force. |
| <u>Court interpreter program</u> | <p>(2) <u>Subsection 20.0.10 be fully implemented through the establishment of a court interpreter program for Nunavik.</u></p> <ul style="list-style-type: none">◦ For this purpose, it is recommended that a Working Group be immediately established between the <i>Ministère de la justice</i>, the Kativik School Board and the Task Force to establish a pro- |

gram proposal which minimally includes the following: location of training in Nunavik; need for higher hourly and yearly rates to attract court interpreters to the profession; need for greater public information concerning the importance and role of interpreters in the justice system; need for the availability of at least two interpreters for any particular hearing so as to minimize community pressure on individual interpreters; and need for interpreters both inside and outside hearings in the justice system.

- It is further recommended that this Working Group have a delay of six (6) months in which to fulfill its mandate. It is also recommended that the Working Group be fully funded by the *Ministère de la justice*.
- It is further recommended that the Working Group consider the options of supporting privatization of the translation and interpretation of services for the justice system in Nunavik; creation of a department within the Kativik Regional Government to effect translation and interpretation services for the justice system. It is further recommended that the Working Group examine the current N.W.T. court worker and interpreter training programs since these may be instructive for Québec services;

**Community
participation
in sentencing**

- (3) Subsection 20.0.24 be fully implemented by the *Ministère de la justice* effecting modifications to the Criminal Code and the Rules of Practice for the *Cour du Québec* and other necessary reglementation changes to compel the court to allow community participation and involvement in the sentencing process. It is further recommended that specific proposals in

this regard should be developed jointly by the *Ministère de la justice*, the Kativik Regional Government and the Task Force as to how this can be effected on a systematic basis;

**Develop
sentencing
guidelines**

- (4) Subsection 20.0.24 concerning the need to revise sentencing and detention practices to take into account the culture and way of life of the Inuit, be implemented through the development of sentencing guidelines for Québec courts.

- It is recommended that such guidelines include encouragement in the use of sentencing alternatives for Inuit; taking into account the cultural factors in sentencing; communities be invited to express their views to the court on offenders from their community in the sentencing process; maximize consideration of the needs of the communities, the victims and the offenders in sentencing as opposed to the criteria of simple punishment; maximize exploration of diversionary techniques prior to consideration of incarceration.
- It is recommended that for such purposes a Working Group on Inuit sentencing be established between the *Ministère de la justice* and the Task Force with a mandate to establish:
 - (a) sentencing guidelines in all criminal matters concerning Inuit of Nunavik;
 - (b) concrete alternative measures to incarceration for Inuit of Nunavik involved in the criminal justice system;
 - (c) specific list of cultural factors courts must consider in sentencing Inuit of Nunavik; and
 - (d) specific protocol for consultation by the court with a community in the case of sentencing an offender from a particular community.

- It is further recommended that this Working Group make recommendations on specific amendments to the Criminal Code and Rules of Practice for Québec courts to enable courts dealing with criminal matters of Inuit of Nunavik to be able to consider alternatives to incarceration in sentencing and to allow for creativity by the court in this regard as well as in the area of diversion.
- It is further recommended that in fulfilling its mandate, the Working Group should give special consideration to the precedent contained in section (4) on Alternative Measures in the *Young Offenders Act*, S.C. 1980-81-82, c.110, and whether the principle of alternative measures as well as types of alternative measures themselves can be adopted under the Criminal Code for adult Inuit offenders.
- It is further recommended that this Working Group have a delay of six (6) months in which to effect its mandate and to report to the *Ministère de la justice* and the Task Force in this regard. Funding of the Working Group should be at the expense of the *Ministère de la justice* ;

**Alternative
dispute
resolution
systems**

- (5) Alternative dispute resolution systems be established for the Nunavik Region in order to encourage and provide greater vocal and community involvement in justice decision-making and greater consideration of Inuit cultural and traditional values in such decision-making;
- The role of such local alternative dispute resolution systems should be two-fold: (a) a decision-making function with respect to certain specified minor offences; (b) a recommendatory

function with respect to other offences (i.e., recommendations to the regular court on how to dispose of cases related to such offences);

- The *Ministère de la justice* should fund the Task Force to continue its consultations with the communities on what particular alternative dispute resolution system is appropriate for each particular community;
- Particular alternative dispute resolution systems should be implemented on a "pilot project " basis in certain communities of Nunavik which have accepted a particular alternative dispute resolution system option;
- Education and training of Inuit and non-Inuit personnel contemplated by alternative dispute resolution systems must be undertaken by the *Ministère de la justice* in concert with the Kativik School Board and the Task Force as one of the first steps in implementing any proposal for a "pilot project" of alternative dispute resolutions systems for the communities;
- Three models have been studied and adopted by the Task Force as appropriate alternative dispute resolution models for the community level in the Nunavik Region and it is from amongst these three models that Inuit communities will select their particular option.

These models are:⁵⁰

- Model 1: Local Native judge (justice of the peace);

50 These models are set forth in Annex 20 of this Position Paper.

- Model 2: Council of Elders:
- Model 3: Council of Elders and Youth.

Justice
Information
program for
region

(6) Subsections 20.0.15, 20.0.16 and 20.0.17 be fully implemented with respect to information concerning the justice system for the Nunavik Region.

- ° It is recommended for this purpose that an information program be developed by the *Ministère de la justice* in consultation with the Kativik Regional Government, the Kativik School Board and the Task Force concerning all aspects of the present justice system.
- ° It is further recommended that all information material be in the Inuktitut, as well as in French and English.
- ° It is recommended that this information program be implemented no later than six (6) months from the tabling of the present Position Paper.
- ° It is further recommended that the formal Working Group between the *Ministère de la justice*, the Kativik School Board, the Kativik Regional Government and the Task Force be created to effect the above purposes.
- ° It is further recommended that all funding of this Working Group be at the expense of the *Ministère de la justice*.

- It is further recommended that the efforts of this Working Group be fully coordinated with that of the Barreau du Québec in view of adoption by the "Sommet de la Justice" on February 20, 1992 of Proposition No. E.312 concerning information programs for aboriginal communities regarding the workings of the judicial system.⁵¹

Funding of Task Force by Québec (7) The Task Force be adequately funded by the *Ministère de la justice* to enable it to pursue, in cooperation with the *Ministère de la justice*, further consultations with the communities of Nunavik in regard to further refinement of alternative dispute resolution mechanisms appropriate for the communities, and in particular, those models set forth above.

New Judicial district of Nunavik (8) A new judicial district to be known as "Nunavik" be established for that area north of the 55th parallel including the communities therein, with the seat of such judicial district to be located in Kuujuaq, Québec.

Correctional facilities and services/recommendations

It is recommended that:

Detention facilities for Nunavik region (1) Subsections 20.0.24, 20.0.25 and 20.0.26 be fully implemented by the *Ministère de la justice* and the *Ministère de la sécurité publique*.

51 See Annex 19 of this Position Paper for the text of this Proposition.

- It is recommended that for these purposes a specific Working Group be established including the *Ministère de la justice*, the *Ministère de la sécurité publique*, and the Task Force.
- This Working Group would be mandated to make recommendations with respect to appropriate type and location of detention facilities for within the Nunavik region; alternative sanctions to incarceration design and consultation with the communities; rehabilitation and treatment programs for application in local detention facilities; Inuit traditional and cultural sentencing options for the Nunavik region.
- The mandate of the Working Group would extend for a period of one (1) year at which time specific proposals would be tabled with the *Ministère de la justice* and *Ministère de la Sécurité publique*, as well as to the Task Force, Makivik Corporation and the Kativik Regional Government.
- Minimally, these proposals must include provision for smaller local correctional facilities within the Nunavik region, majoritarily staffed by Inuit, funded by Québec and Canada and with access to all necessarily ancillary support and after-care rehabilitative and treatment programs.⁵²

52 It should be noted that Solicitor General Canada has recognized the importance of locating federal inmates in institutions which are closer to their home communities. See Solicitor General Canada News Release, December 16, 1991 "Solicitor General announces "closer to home program " for federally sentenced women". In adopting this policy with respect to federally sentenced women, Solicitor General Canada confirmed that in fact this is its overall policy for all federally sentenced inmates.

- It should be noted that in addition to the obligation contained in Chapter 20 of the J.B.N.Q.A. to create detention facilities within the region and the right of Inuit to be detained in the region, Inuit continue to be entitled to all other programs, policies, rights and benefits available to other citizens of Québec and Canada by virtue of subsection 2.11 of the J.B.N.Q.A.
- Consequently, any new programs or policies of Solicitor General Canada or the *Ministère de la sécurité publique* whereby inmates are to be located closer to their home communities, provide additional obligation for detention and other rehabilitative facilities and programs to be located within the Nunavik region close to Inuit communities.
- A similar reasoning applies with respect to all federal and provincial programs funding and obligations presently available to other Native people other than Northern Québec Inuit by virtue of subsection 2.12 of the J.B.N.Q.A.

**Culturally
appropriate
sentencing
and detention
practices**

- (2) Implementation of subsection 20.0.24 involving the development of culturally appropriate sentencing and detention practices be coordinated with the implementation of subsection 20.0.25 providing for the establishment of appropriate detention institutions within the region.
- More particularly, development of these sentencing and detention practices may in fact dictate a less formal type of detention institution for the region (i.e., an isolated work-camp lodge on an island as opposed to a formal detention facility).

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| <u>Study alternatives to incarceration elsewhere</u> | (3) | As part of its mandate, the Working Group should study existing alternatives to incarceration presently used in other parts of the north and in Native communities, in particular in British Columbia and Alaska. |
| <u>Continuing federal obligation despite Federal/Inuit Implementation agreement</u> | (4) | <p><u>Acknowledgement and signing off by Makivik Corporation of the federal obligation to provide appropriate detention institutions</u> within the judicial district of Abitibi pursuant to the Federal/Inuit Implementation Agreement executed September 12, 1990 not relieve the federal government of the obligation in favour of Inuit in subsection 20.0.26 wherein Inuit have the right to be detained, imprisoned or confined in small institutions located within the Nunavik region.</p> <ul style="list-style-type: none">◦ It is further recommended that Canada has an ongoing funding responsibility in conjunction with the <i>Ministère de la justice</i> and <i>Ministère de la sécurité publique</i> for any detention facilities established or to be established in or for the Nunavik region.◦ It is further recommended that the federal government through Solicitor General Canada participate in the mandate of the Working Group provided for above. |
| <u>Involvement of KSB, CRSSS, Task Force and Hospitals</u> | (5) | <u>The Working Group execute its mandate in conjunction with discussions with the Kativik School Board, C.R.S.S.S., the two (2) hospital corporations (Hudson Bay and Ungava), and the Task Force.</u> |

Community consultations on principles (6) The Working Group consult with the Inuit communities with a view to proposing local detention facilities based upon the following principles:

- (a) use of incarceration must be minimized in favour of community sanctions, diversion and reconciliation programs;
- (b) Inuit cultural traditions must be given greater consideration in sentencing and in use of detention facilities;
- (c) Inuit communities must play a greater role in determining the location of detention facilities in the north, the degree of use of such detention facilities for offenders; and the alternatives to incarceration;
- (d) Canada and Québec jointly must fund both the establishment and operation of any detention or correctional facilities to be established in Nunavik;
- (e) collecting of data and research as well as monitoring of the programs must be initiated from the very establishment of the local correctional institutions and programs, so that determination of success or failure and necessary program readjustments can be undertaken to counter problems.

Post-Incarceration and alternatives to incarceration/recommendations

It is recommended that:

Increase probation officers (1) As an immediate step, the number of existing probation officers be increased for the Nunavik region and be required to live permanently within the Nunavik region.

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| <u>Public
education
program on
probation and
parole</u> | (2) | <u>As an immediate step, the <i>Ministère de la sécurité publique</i> and the <i>Ministère de la justice</i> undertake a public education program for the Nunavik region to explain the purpose and role of probation and parole and other alternatives to incarceration as well as the importance for supervision at the community level of offenders who are not incarcerated.</u> |
| | ° | It is further recommended that this proposed public education program be developed in conjunction with the Kativik School Board and the Task Force. |
| <u>Education
and training
program for
officers</u> | (3) | <u>Subsections 20.0.12, 20.0.16 and 20.0.17 of the J.B.N.Q.A. be implemented through the establishment of a specific educational and training program for both non-Inuit and Inuit performing the functions of probation and parole officers.</u> |
| | ° | It is recommended that a Working Group of the <i>Ministère de la justice</i> , <i>Ministère de la sécurité publique</i> , Kativik School Board, Kativik Regional Government and the Task Force establish guidelines for such programs and that such programs be implemented by the Kativik School Board within the region. |
| | ° | It is further recommended that part of such training include some Inuktitut language training for non-Inuit. |
| <u>Post-
incarceration
facilities
needs</u> | (4) | <u>A Working Group be established by the <i>Ministère de la justice</i>, <i>Ministère de la sécurité publique</i>, C.R.S.S.S. and the Task Force, with a mandate to determine the needs for post-incarceration facilities including half-way houses and after-care treatment facilities within the Nunavik region.</u> |

- Community participation in post-incarceration planning (5) The local communities and local Inuit be provided maximum opportunity to participate in the planning, implementation, operation and staffing of any proposed local half-way houses and after-care treatment facilities within Nunavik. It is recommended that for these purposes, each community establish a local "post-incarceration and alternative measures" committee with funding from Québec and Canada to meet, discuss and propose their recommendations with respect to these matters. It is further recommended that these committees as recognized bodies, could also be called upon by the courts during sentencing for recommendation purposes with respect to individual offenders within their communities.

Youth offenders and Youth problems/recommendations

It is recommended that:

- Study on Young Offenders Act (1) As an immediate measure, the federal Minister of Justice and the Québec *Ministère de la justice* undertake a specific study on the nature, degree and extent to which the *Young Offenders Act*, S.C. 1980-81-82, c.110, and the principles contained in that legislation have been implemented in Nunavik.
- Implement-ation of letter and spirit of YOA (2) Subsection 20.0.20 be implemented by both the federal Minister of Justice and Québec *Ministère de la justice* so as to fully accommodate the provisions and intent of the *Young Offenders Act*.
- It is further recommended that for these purposes Canada and Québec consult with the Kativik Regional Government and the Task Force.

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- Three main initiatives (3) It is recommended that three (3) main initiatives be required as preventive measures for youth in regard to the criminal justice system in the Nunavik region, each having both short-term and long-term planning implications:
- (a) Recreational facilities and programs are required at the community level for each community of Nunavik. These have already been discussed earlier under "Preventive Measures";
 - (b) Psychological, social and emotional needs of Inuit youth must be addressed through appropriate Youth Centres facilities and programs at the community level for each community of the Nunavik region. Such Youth Centres would provide counselling and information to youth with problems and also provide an important link between the youth and adults and Elders of the community in regard to communication; and
 - (c) Training, skills and employment needs of Inuit youth require a specific youth training/employment initiative for the Nunavik region. Development of skills is not only important for developing self-esteem, pride amongst Inuit youth, but also should provide both within and outside the region a means of employment and source of income, both of which are important preventive measures with respect to youth crime.
- Youth Centres in each community (4) As an immediate preventive measure, a Youth Centre should be established in each community in the Nunavik region.
- ° It is recommended that the establishment and operation of each Youth Centre be jointly funded by Health and Welfare Canada and the *Ministère de la Santé et Services sociaux* .
 - ° It is further recommended that costs for establishment of these Youth Centres be controlled through the renovation of existing unused facilities within the communities as opposed to construction of wholly new buildings insofar as possible.

- It is further recommended that minimally each Youth Centre have a minimal annual budget with allows it to maintain on staff a trained animator and be in a position to provide adequate information to youth concerning youth problems.
- It is further recommended that a Youth Committee be formed in each community of the Nunavik region for direct involvement and operation of the proposed Youth Centres for their respective communities.
- It is further recommended that the funding for such Youth Committees be provided by Health and Welfare Canada and *Ministère de la Santé et Services sociaux*, jointly.⁵³

New
youth/work
training
program

- (5) A new youth work/training program for Inuit youth of the Nunavik region between the ages of sixteen (16) and twenty-five (25) be established as a major preventive measure.
- It is recommended that for this purpose a Working Group be established including the *Ministère de la Santé et Services sociaux*, the *Ministère de la justice*, the *Ministère de la sécurité publique*, the Kativik Regional Government, the Kativik School Board, Municipal Councils, the *Ministère de la Main-d'oeuvre et de la Sécurité du revenu*, the federal Ministry of Justice,

53 Annex 21 of this Position Paper contains a Makivik plan for implementation of a Youth Centre at the community level. Makivik encourages communities to develop their own Youth Centre proposals and supports those that express an interest by promoting them with an implementation plan to assist them in getting established in a manner eligible for government funding.

Solicitor General Canada, the federal Department of Manpower and Training, the Department of Indian Affairs and Northern Development, the Québec Ministry of Native Affairs and the Task Force.

- It is further recommended that this Working Group be mandated to produce within one (1) year from the date of the tabling of the present Position Paper a plan to provide intensive training and employment opportunities both within and outside the Nunavik region to all willing Inuit youth of Nunavik between the ages of sixteen (16) and twenty-five (25) years.
- It is recommended that the plan to be produced by the Working Group be a long-term plan which ensures that any youth of this age bracket who wants to be trained and who wants to work can do so.
- It is further recommended that the mandate of the Working Group include recommendations for the coordination of all existing training and job programs for the Nunavik region to the extent that they exist; ensure that no development project or enterprise, whether small or large, proceed without guaranteed involvement of local Inuit youth of the above age bracket with respect to training and employment; ensure that youth of the above age bracket learn practical skills; ensure that youth once trained are able to enter into apprenticeship programs both within the Nunavik region and outside of that region so as to refine, improve and obtain qualifications with respect to those skills.

Training in youth problems (6) Police officers, social workers and other personnel involved in the administration of justice in the region of Nunavik be provided with specific training in dealing with youth and youth related problems.

- It is further recommended that specific educational and training programs be devised and implemented for this purpose.
- It is further recommended that the *Ministère de la justice*, *Ministère de la sécurité publique*, the Kativik School Board and the Task Force jointly address the design and implementation of such educational and training programs.
- It is further recommended that minimally such programs include detailed information concerning the *Young Offenders Act*, the *Youth Protection Act* and alcohol and drug issues and programs.

Government funding of Inuit Initiatives/recommendations:

It is recommended that:

Government funding of Task Force consultations (1) The Governments of Québec and Canada jointly fund on-going research and consultations of the Inuit Justice Task Force so as to enable the Task Force to effectively complete its mandate.

- It is further recommended that each of these Governments provide a minimum of \$125,000.00 per annum for this purpose for a two (2) year period commencing January 1, 1992.

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- Québec participation with Task Force (2) Québec participate with the Task Force in certain specific consultations with the Inuit communities of Nunavik over the next two (2) years, in particular, with respect to issues related to alternative dispute resolution mechanisms and police services.
- Government funding of Task Force participation (3) All involvement of the Task Force recommended in the above recommendations of this Position Paper be fully funded by Québec (and where appropriate, Canada) so as to enable effective participation by the Task Force.

CONCLUSION

From the above recommendations, it is clear that Inuit of Nunavik want more participation and more control over all components of the justice system for Nunavik. Many of the above recommendations address some of the necessary approaches to accomplish these objectives. Some of the recommendations above call for immediate action on specific solutions. However, many of the recommendations call for the establishment of joint Working Groups to study and develop proposals to address specific problems. The reason that Working Groups are extensively recommended relates to the fact that a poorly devised solution can create more problems than it was intended to solve. More particularly, solutions which are not the product of extensive community input and adequate funding will not address community needs and will as a result fail. This is why specific immediate solutions are not possible in all of the above components of the justice system.

ANNEX "1"

- 20.0.1 The existing judicial district of Abitibi is modified to include the territories of Abitibi, Mistassini and Nouveau-Québec, including Great-Whale River and the area covered by the James Bay Region Development Act (L.Q. 1971, c. 34) but not including Schefferville, Gagnonville and Fermont. The contiguous judicial districts are modified accordingly.
- 20.0.2 All concurrent jurisdictions with the other judicial districts which may exist under the Courts of Justice Act are abolished.
- 20.0.3 The Minister of Justice of Québec shall not effect any changes in the territorial limits of the judicial district of Abitibi for the territories of Mistassini and Nouveau-Québec without prior consultation with the Regional Government.
- 20.0.4 The Lieutenant-Governor in Council may authorize by proclamation the courts, the tribunals, bodies and commissions constituted or not under the Courts of Justice Act to sit outside the chief-place in the various permanent Inuit communities and settlements of the judicial district of Abitibi.
- 20.0.5 There shall be an itinerant court for the judicial district of Abitibi. The itinerant court shall sit in each community where a sub-office has been established under paragraph 20.0.4 and shall be presided over by judges having the combined jurisdictions of:
- a) a judge of the Provincial Court,
 - b) a magistrate under part XVI of the Criminal Code,
 - c) a magistrate under part XXIV of the Criminal Code,
 - d) a judge of the Court of the Sessions of the Peace,
 - e) a judge of the Social Welfare Court, and
 - f) one or two justices of the peace.
- 20.0.6 The judges and persons appointed to dispense justice in the judicial district of Abitibi shall, after prior consultation with the Regional Government, make from time to time the rules of practice judged necessary for the proper administration of justice in the said district.
- 20.0.7 The rules of practice established for the judicial district of Abitibi under paragraph 20.0.6, shall take into consideration the particular circumstances of the district, the customs, usages and ways of life of the Inuit, in order to facilitate and render justice more accessible, and may, in particular, include special rules respecting the following:

- a) accessibility to records and registers,
 - b) postponement of hearings and trials,
 - c) days and hours for hearings, trials and examinations on discovery, and
 - d) procedures for the filing of proceedings and the issuance of writs.
- 20.0.8 All judges and other persons appointed to dispense justice in the judicial district of Abitibi shall be cognizant with the usages, customs and psychology of the Inuit people.
- 20.0.9 There shall be appointed a clerk of the itinerant court.
Assistants to the clerk of the itinerant court shall also be appointed to manage the sub-offices established under paragraph 20.0.4.
The clerk and assistant-clerks of the itinerant court shall be empowered to act as deputy-sheriff, issue writs and discharge the duties of a deputy-prothonotary of the Superior Court.
- 20.0.10 A qualified interpreter and an official stenographer qualified to take down shorthand in both French and English shall accompany the itinerant court.
- 20.0.11 The Minister of Justice of Québec must see to it that, upon demand from any Inuit party, the judgments with reasons of the courts, judges, tribunals, bodies and commissions that are not rendered orally and in open court, but in writing, are translated as of right into Inuttituu without cost, for purposes of information only.
- 20.0.12 Non-Inuit court staff shall be cognizant with the usages, customs and psychology of the Inuit people.
- 20.0.13 The Department of Justice of Québec shall, after prior consultation with the Regional Government, establish formation and training programs for Inuit for the positions of clerk and assistant-clerk of the itinerant court, sheriff, deputy-sheriff, stenographer and interpreter.
- 20.0.14 The itinerant court shall be assisted, in the exercise of its powers respecting supervised probation, by probation officers. The names of the candidates to become probation officers of the itinerant court shall first be proposed by the Regional Government to the Probation and Houses of Detention Service of the Department of Justice of Québec or by such Service to the Regional Government for consideration and approval.
- 20.0.15 Information officers shall be stationed in municipalities designated by the Department of Justice of Québec after prior consultation with the Regional Government. The names of the candidates to become information officers shall first be proposed by the Regional Government to the Department of Justice of Québec or by the Department of Justice of Québec to the Regional Government for consideration and approval.

- 20.0.16 Non-Inuit probation and information officers shall be cognizant with the usages, customs and psychology of the Inuit people.
- 20.0.17 The Department of Justice of Québec shall, after prior consultation with the Regional Government, establish according to needs, educational and training programs for Inuit for the functions of probation and information officer.
- 20.0.18 The Department of Justice shall appoint Crown attorneys for the judicial district of Abitibi for such terms of office and upon such conditions as are required to meet the circumstances in the said district. Such appointees shall be cognizant with the usages, customs and psychology of the Inuit people.
- 20.0.19 All residents of the judicial district of Abitibi shall be entitled as of right to receive Legal Aid services in all matters, provided they qualify in accordance with the criteria of the Québec Legal Services Commission which shall be modified for this district insofar as this may be necessary, to take into consideration the cost of living, the distances involved and other factors particular to the said district.
- 20.0.20 The provisions of the Code of Civil Procedure, the Criminal Code and the Canada Evidence Act shall be modified, if deemed necessary, to suit the particular difficulties of the judicial district of Abitibi and to take into account the circumstances, usages, customs and way of life of the Inuit and to render justice more accessible to them.
- 20.0.21 The Criminal Code should be amended to allow that six jurors only be sworn in the territories of Abitibi, Mistassini and Nouveau-Québec in the judicial district of Abitibi.
- 20.0.22 Amendments should be adopted to allow Inuit, in cases where the defendant or accused is an Inuk, to be sworn as jurors according to applicable laws and regulations, even though they cannot speak French or English fluently.
- 20.0.23 The Lieutenant-Governor in Council shall appoint for the judicial district of Abitibi a coroner cognizant with the usages, customs and psychology of the Inuit people.
- 20.0.24 Sentencing and detention practices should be revised to take into account the culture and way of life of the Inuit people, and this, with their cooperation.
- 20.0.25 As quickly as possible after the execution of the Agreement and after consultation with the Regional Government, the appropriate detention institutions shall be established within the judicial district of Abitibi so that Inuit should not be, unless circumstances so require, detained, imprisoned or confined in any institution below the 49th parallel.

20.0.26 All Inuit persons, wherever they are sentenced or confined, shall, if they so desire, have the right to be detained, imprisoned or confined in small institutions located within the territory of the Regional Government if such institutions are adequate for these purposes having due regard to all circumstances.

20.0.27 The provisions of this Section can only be amended with the consent of Canada and the interested Native party, in matters of federal jurisdiction, and with the consent of Québec and the interested Native party, in matters of provincial jurisdiction.

20.0.28 However, the Native interested party hereby recognizes that for a sound administration of justice, the provisions of this Section and of Section 18 shall be read together and, to the extent possible, administered and implemented uniformly.

Legislation enacted to give effect to the provisions of this Section may be amended from time to time by the National Assembly of Québec in matters of provincial jurisdiction, and by Parliament in matters of federal jurisdiction.

ANNEX "2"

Section 21 Police (Inuit)

- 21.0.1 Subject to the laws of Québec of general application, the Regional Government is hereby authorized to establish by ordinance and maintain a Regional Police Force in its territory.
- 21.0.2 The Regional Police Force shall be governed by the provisions of the Police Act (S.Q. 1968, c.17) and all other laws of Québec of general application, save where these laws are inconsistent with this Section, in which event the provisions of this Section shall prevail.
- 21.0.3 Members of the Regional Police Force shall be posted in the most populated municipalities based on the criterion of one member for every five hundred (500) inhabitants including the floating population in the Territory.
- 21.0.4 The Regional Government has the authority to make ordinances to:
- a) provide for the organization, equipment and maintenance of a Regional Police Force and the discipline of its members;
 - b) prescribe the duties and powers of the members of such force and prescribe the penalties applicable in case of infringement of the ordinances respecting discipline;
 - c) provide for the imposition of penalties, including dismissal or fine, upon any member of the Regional Police Force who accepts or demands, directly or indirectly, any sum of money, favour or alcoholic beverage as a consideration for the exercise of influence or for an act or omission in the discharge of his duties;
 - d) determine the places where the members of the Regional Police Force may reside, classify them, specify the ranks that may be assigned to them and prescribe the inspections to which they shall be subject.

Such ordinances shall apply subject to the provisions of this Section and to the by-laws of the Québec Police Commission made under section 17 of the Police Act.

After an ordinance dealing with any subject contemplated in this paragraph has been passed, the Secretary of the Regional Government must send a copy thereof to the Québec Police Commission within fifteen (15) days following its coming into force.

- 21.0.5 The Regional Government must at the request of the Québec Police Commission pass and forward to it within sixty (60) days of such request an ordinance providing for the discipline of the members of the Regional Police Force and providing for the penalties applicable in the case of infringement of such ordinance; such an ordinance shall come into force upon approval by the Québec Police Commission.

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- 21.0.6 It shall be the duty of the Regional Police Force and each member thereof to maintain peace, order and public safety in the Territory, to prevent crime and infringements of the by-laws of the municipal corporations, the ordinances of the Regional Government and the laws of the Province of Québec and to seek out the offenders.
- 21.0.7 The Regional Police Force shall be under the control of a director or chief who shall command it.
No person can fulfill the duties of director or chief or member of the Regional Police Force until he has taken the oaths prescribed in section 4 of the Police Act.
- 21.0.8 The Secretary of the Regional Government shall keep a register of all the policemen who are members of the Regional Police Force and of the special constables appointed by the chairman of the Executive Committee under paragraph 21.0.13; each such policeman and special constable may require of the Secretary a certificate attesting his appointment.
- 21.0.9 Sub-paragraphs (d) and (e) of section 3 of the Police Act respecting qualifications to become a Police Force cadet, a member of the Police Force or a municipal cadet or policeman shall not apply to Inuit members of the Regional Police Force.
- 21.0.10 With respect to Inuit members of the Regional Police Force, any by-law of the Québec Police Commission made for the purposes of qualifications required for admission in the said Police Force shall be made after prior consultation with the Regional Government.
- 21.0.11 The names of the candidates to become members of the Regional Police Force shall first be proposed by the Regional Government to the Department of Justice or by the Department of Justice to the Regional Government for consideration and approval.
After attending the Québec Police Institute and completing their courses, such candidates shall be appointed members of the Regional Police Force by the Regional Government.
- 21.0.12 The director or chief of the Regional Police Force is appointed by the Attorney-General on the recommendation of the Regional Government, and shall take the oaths prescribed in section 4 of the Police Act before any judge contemplated in section 64 of the Police Act; other members of the Regional Police Force and special constables appointed under paragraph 21.0.13 shall take the oaths prescribed in section 4 of the Police Act before the chairman of the Executive Committee of the Regional Government pursuant to the approval of the Attorney-General.
The approval of the Attorney-General shall not be necessary for special constables appointed under paragraph 21.0.13.
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- 21.0.13 The Council of the Regional Government may, by ordinance, authorize the chairman of the Executive Committee to appoint in writing, in case of emergency and for a period not exceeding seven (7) days, persons called special constables, to maintain peace, order and public safety in the territory of the Regional Government, to prevent crime and infringements of the by-laws of the municipal corporations, the ordinances of the Regional Government, and the laws of the Province of Québec and seek out the offenders.
- Any ordinance adopted under the preceding paragraph may prescribe the maximum number of persons whom the chairman of the Executive Committee may appoint as special constables and establish the maximum remuneration that they may be paid.
- 21.0.14 The writing attesting the appointment of a special constable shall be made in duplicates and one of the duplicates shall be given to the person so appointed.
- 21.0.15 Any member of the Regional Police Force and any special constable appointed under paragraph 21.0.13 may be dismissed by any judge contemplated in section 64 of the Police Act when an application to that effect is made to him by the Attorney-General.
- 21.0.16 Training and course programs shall be established pursuant to the provisions of the by-laws that shall be enacted by the Québec Police Commission under paragraph (b) of section 17 of the Police Act, after consultation with the Regional Government. Québec shall pay for training and course fees and lodging for the candidates at the Québec Police Institute.
- 21.0.17 The Regional Government may establish by ordinance and maintain a police school. Such ordinance, to be valid, must be approved by the Lieutenant-Governor in Council.
- 21.0.18 Notwithstanding the provisions of paragraph 2.9 of Schedule 2 of Section 12 and of paragraph 2.9 of Schedule 2 of Section 13 of the Agreement, any ordinance passed by the Regional Government under this Section shall apply within the whole territory of the Regional Government and its application shall not be limited to municipalities.
- 21.0.19 Inuit people who do not meet the qualifications for admission in the Québec Police Force may be appointed special constables under section 64 of the Police Act, in which case paragraphs 21.0.9 and 21.0.10 shall apply, *mutatis mutandis*.
- The names of the candidates to become special constables shall first be proposed by the Regional Government to the Department of Justice or by the Department of Justice to the Regional Government for consideration and approval.

21.0.20 The provisions of this Section can only be amended with the consent of Québec and the interested Native party.

Legislation enacted to give effect to the provisions of this Section may be amended from time to time by the National Assembly of Québec.

ANNEX "3"

Recommendations of the Report
The Administration of Justice
Beyond the 50th Parallel

THE COMMITTEE'S FINDINGS

THE TERRITORY

1. To group all the Québec northern territories under one judicial district or create a new one.

THE SOCIAL, ECONOMIC AND POLITICAL SETTING

2. To set up an adequate mechanism to better inform Indians and Eskimos with regard to the Québec judicial system, their respective rights and the law of the land.
3. (a) To control entry, sale and consumption of alcoholic beverages in Northern Québec, after consulting the native communities concerned;
(b) To prepare an education and rehabilitation program for alcoholics in collaboration with specialized bodies.
4. To take necessary steps so that citizens living in unorganized regions can exercise their right to vote.

POLICE

5. (a) To establish Québec Police Force stations in accordance with the following criterion: one station in each centre where the permanent population exceeds 1 500, unless an overland route connects it to another station;
(b) To open a station in Fort George and, in virtue of this policy, to maintain a Québec Police Force station in Great Whale River and Fort Chimo.
6. (a) To determine the number of the police forces in the territory according to the following criterion: no less than two policemen or special constables per 1,000 people, including the floating population;
(b) To set a minimum of four policemen for each station, including native policemen.
7. To have the Québec Police Force continue to serve all Indian settlements within the limits of the James Bay Municipality and in this way restrict the police force of this municipality to the supervision and maintenance of order on work sites, in workers' camps and in other centres to be developed.
8. (a) To continue appointing members of the Québec Police Force in these regions on a voluntary basis by selecting candidates most likely to fulfill these functions adequately according to recognized and tested methods;
(b) To set up a selection committee within the Police Force including at least one expert in northern affairs.
9. To undertake with determination the training and hiring of Indian and Eskimo constables, and to this end establish:
 - (a) special selection standards, adapted to these candidates;

THE ADMINISTRATION OF JUSTICE BEYOND THE 50th PARALLEL

(b) special training conditions and the salary they will be paid by the Department of Justice or the Québec Police Force

10. To consider seriously a training and selection program for native policemen whose salary should eventually correspond to that of Police Force members.

THE INCIDENCE OF CRIME

11. To proceed preferably on summary declaration, in virtue of Part XXIV of the Criminal Code and not by way of indictment, whenever the Criminal Code provides an option.

12. To avoid serving sentences of imprisonment in the south where Indians and Eskimos are placed in a foreign environment, far away from their families and deprived of any rehabilitation program designed to their needs.

13. To build a detention centre in Great Whale River to service all the northern territories and eventually to have available there all appropriate probation and rehabilitation services, especially as regards the drinking problem.

THE COURT

14. (a) To establish a circuit Court presided over by a Judge of the Court of the Sessions of the Peace or failing this, to appoint a Magistrate having the powers provided for under Part XVI of the Criminal Code and who would be responsible to the Chief Judge of the Court of the Sessions of the Peace;

(b) To appoint one Judge to this position who will undertake to specialize in northern affairs in order to better understand the culture, customs and psychology of Indians and Eskimos who may appear before the Court.

15. (a) To grant additional powers to the Judge of the North so as to allow him to hear cases which come within the jurisdiction of the Social Welfare Court;

(b) To study the problem of juvenile delinquency in the north and, with the aid of the authorities concerned, set up a program with a view to crime prevention and the protection of young natives.

16. To hold trials:

(a) in the northern territory and no longer in the south, irrespective of the accused's ethnic origin;

(b) as close as possible to the place where the offence was committed and within the shortest possible time in order to make justice accessible to all and in a fully humane fashion by taking into account the social and cultural realities which exist amongst Indians and Eskimos.

THE COMMITTEE'S FINDINGS

17. (a) To authorize by proclamation, the holding of the Court of the Session of the Peace in each permanent settlement in Northern Québec:
- (b) To amend the Courts of Justice Act so as to allow the holding of the Court of Queen's Bench in Fort George, Great Whale River, Fort Chimo, at a time set by Lieutenant-Governor in Council.

COURT'S STAFF

18. (a) To appoint a Justice of the Peace with restricted powers in each settlement to receive complaints and set a date for appearance in Court.
- (b) To provide for recruiting and hiring native personnel at the various settlements of the administration of justice.
19. To give all residents of Northern Québec the benefit of legal aid services on a basis of income and origin and in accordance with the conditions prevailing in the north.
20. To appoint a civil servant responsible for questions relating to the administration of justice in the Northern Québec territories.

ANNEX "4"

AGREEMENT
RESPECTING THE IMPLEMENTATION OF THE
JAMES BAY AND NORTHERN QUEBEC AGREEMENT
BETWEEN HER MAJESTY THE QUEEN IN RIGHT OF CANADA
AND MAKIVIK CORPORATION

**AGREEMENT RESPECTING THE IMPLEMENTATION OF THE
JAMES BAY AND NORTHERN QUEBEC AGREEMENT**

TABLE OF CONTENTS

SECTION	PAGE
1. Definitions.....	1
2. JBNQA and Legal Status of Agreements.....	3
3. Coming into Force	3
4. Ongoing Federal Organization and Structure.....	3
5. JBNQA Implementation Forum.....	5
6. Dispute Resolution Mechanism.....	5
7. Working Groups.....	5
8. Payment.....	6
9. Acknowledgements.....	7
10. Representation and Warranty; Indemnification.....	9
11. Health and Social Programs.....	11
12. Offshore Islands.....	11
13. Delays.....	12
14. Monitoring of Implementation.....	12
15. Supersession.....	12
16. Amendments.....	12
17. Effect of Annexes.....	12
18. Governing Law.....	12
SIGNATURE BLOCKS.....	13
ANNEX A - Inuit Employment and Contract Priority.....	14
ANNEX B - Inuit Eligibility for and Access to Federal Programs and Funding.....	23
ANNEX C - Justice/Solicitor General.....	26
ANNEX D - Manpower and Training Programs.....	29
ANNEX E - Marine Transportation.....	32
ANNEX F - Socio-Economic Development.....	35
ANNEX G - Umiujaq Airport.....	49
ANNEX H - Dispute Resolution Mechanism (DRM).....	50

**AGREEMENT RESPECTING THE IMPLEMENTATION OF THE
JAMES BAY AND NORTHERN QUEBEC AGREEMENT**

AGREEMENT respecting the Implementation of the James Bay and Northern Quebec Agreement, dated the 12th day of September 1990.

BY AND BETWEEN: Her Majesty the Queen in Right of Canada, hereinacting through and represented by its undersigned authorized representative, the Minister of Indian Affairs and Northern Development (the "Minister")

PARTY OF THE FIRST PART

AND: Makivik Corporation, a corporation duly incorporated by statute of the Province of Quebec, hereinacting for and on behalf of the Inuit of Quebec and on its own behalf, and represented by its undersigned authorized representatives

PARTY OF THE SECOND PART

WITNESS:

- A. WHEREAS the Negotiator for the Inuit of Quebec and the Negotiator for the Government of Canada reached an agreement-in-principle on September 15, 1989 ("Agreement-in-Principle");
- B. WHEREAS on July 27, 1990 the Government of Canada by Order in Council approved the present Agreement Respecting the Implementation of the James Bay and Northern Quebec Agreement ("Agreement") and on May 4, 1990 Makivik Corporation approved this Agreement on behalf of the Inuit of Quebec; and
- C. WHEREAS this Agreement is the final agreement contemplated by paragraph G of the Preamble of the Agreement-in-Principle.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS, AGREEMENTS AND UNDERTAKINGS HEREINAFTER SET FORTH, IT IS HEREBY AGREED AS FOLLOWS:

1. Definitions

In this Agreement, unless the context requires otherwise, the following words and expressions shall have the following meanings:

- 1.1. "Canada": Her Majesty the Queen in Right of Canada or the Government of Canada;

- 1.2. "Inuit" or "Inuit of Quebec":
The Inuit beneficiaries as defined under Section 3 of the James Bay and Northern Quebec Agreement;
- 1.3. "Quebec": The Government of Quebec;
- 1.4. "JBNQA": The James Bay and Northern Quebec Agreement entered into on November 11, 1975, as amended from time to time in accordance with paragraph 2.15 thereof;
- 1.5. "JBIO": The JBNQA Implementation Negotiations Office established pursuant to Cabinet decisions, dated June 26, 1986 and March 24, 1988, for purposes of the JBNQA Implementation Negotiations, until the Office contemplated by paragraph 4.2 below becomes operational and, thereafter, the said Office;
- 1.6. "Federal Negotiator":
The person appointed by the Government of Canada on October 1, 1986 to represent Canada for purposes of the JBNQA Implementation Negotiations;
- 1.7. "Makivik":
Makivik Corporation, the corporation established by the Act to establish the Makivik Corporation (R.S.Q., ch. S-18.1), and constituted as the Inuit Native Party for purposes of the JBNQA pursuant to paragraph 1.11 thereof;
- 1.8. "Inuit Negotiator":
The person appointed by Makivik on March 8, 1988 to represent the Inuit of Quebec for purposes of the JBNQA Implementation Negotiations, or his successor;
- 1.9. "ISTC": Department of Industry, Science and Technology;
- 1.10. "DIAND": Department of Indian Affairs and Northern Development;
- 1.11. "KIF": Kativik Investment Fund Inc., a corporation duly incorporated pursuant to the laws of Canada;
- 1.12. "KRDC": Kativik Regional Development Council, established pursuant to subsection 23.6 of the JBNQA;
- 1.13. "KRG": Kativik Regional Government, established pursuant to Section 13 of the JBNQA;
- 1.14. "CPI": The Consumer Price Index for all of Canada as published by Statistics Canada in the Consumer Price Index catalogue, No. 62-001.

2. JBNQA and Legal Status of Agreements

- 2.1. It is the express intent of the Parties to this Agreement that nothing herein be considered an amendment to, modification of, or derogation from the JBNQA and, without limiting the generality of the foregoing, that nothing herein affects the application of paragraphs 2.11 and 2.12 of the JBNQA. The Parties to this Agreement expressly agree that nothing herein constitutes a supplementary amending agreement within the meaning of Section 4 of the James Bay Native Claims Settlement Act (S.C. 1976-1977, c.32) and of paragraph 2.15 of the JBNQA. The Parties hereto further agree that this Agreement constitutes a contract between the Parties for the implementation of certain provisions of the JBNQA.
- 2.2. The ancillary or related agreements contemplated by this Agreement shall not constitute an amendment to, modification of, or derogation from the JBNQA and, without limiting the generality of the foregoing, shall not affect the application of paragraphs 2.11 and 2.12 of the JBNQA. The related or ancillary agreements contemplated hereby shall not take the form of a supplementary amending agreement within the meaning of Section 4 of the James Bay Native Claims Settlement Act and paragraph 2.15 of the JBNQA.
- 2.3. Notwithstanding paragraph 2.1 above, the Dispute Resolution Mechanism established by paragraph 6.1 and Annex H hereof shall also take the form of a supplementary amending agreement to the JBNQA, subject to the Parties hereto obtaining such other consents as may be required from other parties to the JBNQA.

3. Coming Into Force

This Agreement is executed and in full force and effect as of the date first above written and the ancillary or related agreements contemplated hereby shall come into full force and effect immediately upon their execution.

4. Ongoing Federal Organization and Structure

- 4.1. Canada hereby establishes an organization and structure that, inter alia, shall:

- a) facilitate communications and act as a channel of communication between the Inuit of Quebec and Federal

departments, agencies and Crown corporations involved in the implementation of the JBNQA;

- b) consult with and advise the appropriate Federal departments and agencies with respect to federal responsibilities under the JBNQA in order to facilitate timely and effective implementation of the JBNQA;
- c) monitor the ongoing implementation of Canada's obligations under the JBNQA, but will have no direct responsibility for the funding or budgets of the Federal departments and agencies delivering programs and services to the Inuit of Quebec;
- d) facilitate the implementation of the JBNQA Implementation Forum contemplated in Section 5 below; and
- e) become operational not later than 120 days after the Order in Council approving this Agreement.

4.2. The organization and structure referred to in paragraph 4.1 above shall be the responsibility of the Minister responsible for the JBNQA and shall be comprised of:

- a) An interdepartmental Assistant Deputy Minister level committee comprised of representatives of all the departments involved from time to time in the implementation of the JBNQA, the chairperson of which shall be an Assistant Deputy Minister from the department of the Minister responsible for the JBNQA; and
- b) An Office headed by a full time senior manager reporting to the chairperson of the interdepartmental committee.

4.3. The Assistant Deputy Minister and the Office shall have sufficient resources to ensure that the functions listed in paragraph 4.1 and any others related thereto that may be assigned from time to time are carried out.

4.4. No earlier than 36 months and no later than 48 months following the execution of this Agreement and thereafter, at such intervals as may be mutually agreed, the Minister responsible for the JBNQA and Makivik shall review the operation and effectiveness of the ongoing federal organization and structure set out herein with a view to making such amendments or modifications thereto, in accordance with Section 16 hereof, as may be appropriate in the circumstances.

5. JBNQA Implementation Forum

- 5.1. Canada and the Inuit of Quebec hereby establish a JBNQA Implementation Forum which shall also foresee the participation of Quebec. The Forum shall consist of appropriate senior representatives of Canada, the Inuit of Quebec appointed by Makivik and, if it agrees to participate, Quebec. Canada's representative(s) shall include, ex officio, the chairperson of the interdepartmental committee referred to in paragraph 4.2.
- 5.2. The Forum shall hold regular, quarterly meetings unless otherwise agreed by the representatives of the parties to the Forum, to review progress and to discuss and coordinate action on any issue related to ongoing implementation of the JBNQA. The representatives of a party to the Forum may convoke special meetings of the Forum to deal with urgent matters.
- 5.3. The Forum shall become operational not later than 120 days after the Order in Council approving this Agreement and the representatives of the parties to the Forum shall establish from time to time such other procedures as may be additionally required.

6. Dispute Resolution Mechanism

- 6.1. The Dispute Resolution Mechanism set out in Annex H (Dispute Resolution Mechanism) hereto is hereby established.
- 6.2. The Dispute Resolution Mechanism shall come into force and govern the Parties hereto in accordance with its terms as of the date of the execution of this Agreement whether or not the supplementary amending agreement contemplated by paragraph 2.3 above has been executed and has come into force. The Dispute Resolution Mechanism shall not apply to Quebec unless and until the date Quebec agrees to be bound by same.

7. Working Groups

- 7.1. The Working Groups referred to in Annexes B (Inuit Eligibility for and Access to Federal Programs and Funding), C (Justice/Solicitor General) and E (Marine Transportation) are hereby continued and shall make the recommendations and reports and draft the agreements, memoranda of understanding or policies, as the case may be, as provided for therein to implement the provisions of the specific "agreements-in-principle" set out in Section 2 of each of said Annexes.

7.2. The Working Groups shall be composed of appropriate representatives of the Inuit organizations, federal departments and agencies and, where applicable, provincial ministries and agencies, specified in the Annexes hereto. The said representatives shall be duly authorized to represent the parties to the Working Groups and instructed to carry out the mandate of their respective Working Group for the implementation of the specific "agreements-in-principle" set out in Section 2 of each of said Annexes.

7.3. The Working Groups shall carry out their respective mandates and submit their respective recommendations and reports and draft agreements, memoranda of understanding or policies, as the case may be, to the JBIO and the Inuit Negotiator for their respective approval, the whole in accordance with the provisions of the respective Annexes.

The Justice/Solicitor General Working Group(s) shall also submit its (their) recommendations to the federal department(s) concerned.

7.4. If the parties to the Working Groups cannot reach unanimous agreement on the recommendations, reports, draft agreements, memoranda of understanding or draft policies, they shall report this dispute to the JBIO and the Inuit Negotiator, together with their respective positions. The JBIO and the Inuit Negotiator shall attempt to resolve such disputes.

7.5. Any such disputes unresolved between the JBIO and the Inuit Negotiator shall be submitted to the Dispute Resolution Mechanism process as provided for under Annex H.

8. Payment

8.1. Canada hereby agrees to make a one-time payment equal to the amount obtained by multiplying Twenty-Two Million Thirty Thousand Two Hundred and Eighty Dollars (\$22,030,280), by the quotient obtained by dividing the most recently published CPI (June 1990) available on the date of the Order in Council approving this Agreement, which is 157.8, by the CPI as determined for September 1989, which is 152.6, to Makivik for the benefit of the Inuit of Quebec as soon as possible after the execution of this Agreement and, in any event, within ninety (90) days after the date of the Order in Council approving this Agreement.

8.2. In the event the amount payable pursuant to paragraph 8.1 is not paid in accordance with paragraph 8.1, interest shall be paid on the unpaid portion of the amount at a rate per annum calculated at one and one-half percent (1 1/2%) plus the average accepted tender rate of Government of Canada three (3) month Treasury bills, as

announced each week by the Bank of Canada on behalf of the Minister of Finance, which rate shall be that which is announced immediately preceding the date on which payment is made. Such interest shall be calculated monthly, not in advance, with interest on overdue interest occurring daily at the same rate until fully paid.

- 8.3. Payment hereunder shall be made by cheque made payable to "Makivik Corporation for the benefit of the Inuit of Quebec" and made available on the date of issuance thereof in the offices of DIAND during working hours to the duly authorized representative of Makivik in Ottawa, designated by Makivik for such purposes, written notice of which designation shall be given to Canada at least fifteen (15) days in advance of any such payment.

9. Acknowledgements

- 9.1. The Inuit of Quebec acknowledge that payment to them by Canada of the sum referred to in paragraph 8.1 above completely fulfills whatever financial responsibility, if any, Canada may have to the Inuit of Quebec under the JBNQA for the following:

- a) Inuit costs related to the implementation negotiations giving rise to this Agreement and to the Inuit participation in and representation on the Working Groups;
- b) Other than any rights the Inuit may have under paragraphs 2.11 and 2.12 of the JBNQA for ongoing programs and funding, any rights the Inuit may have under the JBNQA for a financial contribution by Canada for funding the following:
 - 1) The operation and administrative costs of Inuit Landholding Corporations;
 - 2) Inuit Heritage, Culture and Language Preservation;
 - 3) Wildlife studies, research, and harvest monitoring by Makivik, the KRG, or a related Inuit organization; the foregoing shall not prevent such entities from carrying out such activities themselves or with the cooperation or under the control of Canada;
 - 4) Transportation, including the various items referred to in paragraph 29.0.36 of the JBNQA, provided that Canada executes an agreement establishing a Northern Quebec Marine Transportation Infrastructure Program in accordance with the provisions of Annex E (Marine Transportation) attached hereto;

- 5) Hiring and training of Inuit conservation officers (paragraph 24.10 of the JBNQA), without prejudice to any application of Section 29 of the JBNQA (employment priority);
- 6) Establishment of detention institutions referred to in paragraphs 20.0.25 and 20.0.26 of the JBNQA, without prejudice to the rights of all Inuit persons to be detained in accordance with the provisions of paragraph 20.0.26 of the JBNQA;
- 7) Any costs related to the Umiujaq relocation (paragraph 6.4 of the JBNQA);
- 8) Training centres and related facilities (paragraph 29.0.25 of the JBNQA).

Training centres and facilities are not in the current five year (89-94) education capital plan for the Kativik School Board as presented by Quebec and approved by Canada. Canada reserves the right to oppose the inclusion of such training centres and facilities in any education capital budgets for future years; but if they are included in a capital budget approved by Canada for the period after March 31, 1994, Canada would fund its capital portion in accordance with paragraph 17.0.85 of the JBNQA.

However, if such a facility is built before March 31, 1994, Canada will pay, in accordance with paragraph 17.0.85 of the JBNQA, 25% of the overhead costs unfunded by other programs, (but will not pay other operations and maintenance costs), up to a maximum of fifty thousand 1989 dollars (\$50,000; 1989 dollars) per year. If the facility is built after March 31, 1994, the same rule shall apply except for the \$50,000 (1989 dollars) maximum.

9.2. The Inuit of Quebec acknowledge that Canada, subject to the conditions set out hereinbelow, has fulfilled and/or is fulfilling, as the case may be, any obligations it may have under the provisions of Section 29 of the JBNQA referred to below with respect to the following:

- a) Employment and Contract Priority, provided that Canada performs its obligations under Annex A (Inuit Employment and Contract Priority) hereto, and for as long as the policies proposed therein are in effect (paragraphs 29.01, 29.03, and 29.0.28 to 29.0.32 of the JBNQA);
- b) Manpower and Training, provided that Canada performs its obligations under Annex D (Manpower and Training Programs)

hereto, and for as long as the agreements proposed therein are in effect (paragraphs 29.0.1, 29.0.3, 29.0.4 and 29.0.24 to 29.0.27 of the JBNQA);

c) Economic and Social Development, provided that Canada performs its obligations under Annex F (Socio-Economic Development) hereto, and for as long as the agreements proposed therein between the KIF/KRDC and ISTC, and between the KIF/KRDC and DIAND are in effect, (paragraphs 29.0.1, 29.0.3, 29.0.4, 29.0.33 to 29.0.35 and 29.0.37 to 29.0.39 of the JBNQA);

d) Paragraph 29.0.36 of the JBNQA, provided that Canada executes an agreement establishing a Northern Quebec Marine Transportation Infrastructure Program in accordance with Annex E (Marine Transportation) hereto.

9.3. The Inuit of Quebec acknowledge that Canada, provided it participates in the Justice/Solicitor General Working Group(s) as outlined in Annex C hereto, has fulfilled its obligations under paragraphs 20.0.20 and 20.0.21 of the JBNQA.

9.4. For each Annex A to G, once the various recommendations, reports, draft agreements, and memoranda of understanding or draft policies, as the case may be, have been agreed to and are in effect in accordance with the provisions of the Annex in question, Canada shall have no outstanding obligations arising under the said Annex.

10. Representation and Warranty; Indemnification

10.1. Makivik hereby represents and warrants to Canada that it is duly acting on behalf of the Inuit of Quebec.

10.2. Provided Canada shall have complied with all of its financial obligations hereunder and provided Canada is in compliance with the warranty hereby given that it is not aware of any claim (as hereafter defined), Makivik Corporation or its successors ("Makivik") agrees to indemnify and hold Canada harmless from and against all manner of financial obligation or responsibility, including damages and reasonable legal and other costs, resulting from any claim or action (collectively the "claim") by the Inuit of Quebec, collectively or individually, against Canada, after the execution of this Agreement and arising from or related to any financial obligation or responsibility that Canada may have towards the Inuit of Quebec, for which Canada has obtained from Makivik, on behalf of the Inuit of Quebec, express acknowledgements under Section 9 herein, provided such acknowledgements, wherever conditional, remain in effect and subject to the conditions and on the terms set out hereinafter:

- a) Canada shall advise Makivik, in writing, immediately upon learning of any such claim or any potential cause for such claim;
- b) Canada shall respond to, and where necessary contest, any claim diligently and in good faith, and shall not by its actions directly or indirectly exacerbate the potential liability of Makivik thereunder;
- c) Canada shall advise Makivik on a regular and timely basis of the progress and, where applicable, the results of any claim as well as any negotiations attendant thereto;
- d) Canada shall have no right against Makivik where Canada, without the prior written consent of Makivik, consents by private agreement to any payment or settlement with respect to any claim;
- e) Makivik shall incur no liability hereunder before a final settlement by private agreement in accordance with paragraph d) above or before a final and binding decision by a tribunal or authority having jurisdiction, provided that Canada shall, unless Makivik agrees otherwise, have exhausted all avenues of appeal in a reasonably timely fashion;
- f) Any amounts owing by Makivik to Canada hereunder shall be paid on the following terms:
 - 1) Canada shall give written notice (Notice of Payment) of the amount owing giving a complete and detailed account thereof;
 - 2) Makivik shall be entitled to contest the amount indicated in the Notice of Payment by giving written notice to Canada of its intention in this regard within sixty (60) days of the date the Notice of Payment is received. In the event that Makivik gives such notice, then the matter shall be dealt with in accordance with Annex H (Dispute Resolution Mechanism) hereof;
 - 3) amounts owing by Makivik to Canada hereunder shall be payable upon expiry of the sixty (60) day delay referred in subparagraph 2) above or thirty (30) days after binding arbitration (hereafter the "due date");
 - 4) Makivik, in its sole discretion, is entitled to pay amounts owing hereunder in one lump sum payment on the due date, or by equal instalments payable monthly, semi-annually or annually for a period not exceeding

five (5) years from the due date. Any balance outstanding after the due date will bear interest at a rate per annum calculated at one and one-half percent (1 1/2%) plus the average accepted tender rate of Government of Canada three (3) month Treasury bills, as announced each week by the Bank of Canada on behalf of the Minister of Finance, calculated semi-annually and not in advance and is payable with each instalment of the capital. If Makivik elects to pay by instalments it may execute its entire obligation hereunder at any time without penalty by paying the balance of the amount owing plus the interest accruing thereon as at the date of payment;

- g) Makivik's obligations hereunder shall be limited to the sum of \$2,000,000 with respect to each individual claim. Makivik's entire obligation hereunder with respect to the total of all claims shall be limited to the sum of \$10,000,000 in the aggregate;
- h) Makivik shall not have any obligations hereunder for any claims made after the fifth anniversary of the date of this Agreement coming into force;
- i) Makivik shall have the right to assume the defence of and, where necessary, contest any claim against Canada including appeal and settlement and Canada shall provide such reasonable cooperation or assistance as Makivik may require in this regard;
- j) Makivik shall have no responsibility hereunder for any vicarious, consequential, incidental or indirect damages of any kind or costs in relation thereto in connection with or arising from any claim.

11. Health and Social Programs

The Inuit of Quebec shall have access to applicable federal health and social programs where there are no equivalent programs offered by Quebec, without prejudice to any rights Canada may have to claim a contribution from Quebec for such federal programs.

12. Offshore Islands

This Agreement is without prejudice to any claims the Inuit of Quebec have or may have to the offshore area.

13. Delays

Any delays beyond the dates fixed in this Agreement for the carrying out of the provisions of this Agreement and the Annexes may be extended by mutual consent of the Parties hereto. Canada will not be in default of any delays so fixed unless Canada is solely responsible for said default.

14. Monitoring of Implementation

The JBJO shall monitor the implementation of this Agreement.

15. Supersession

The Parties hereto acknowledge that this Agreement shall supersede and cancel the Agreement-in-Principle and Annexes thereto entered into between the Inuit Negotiator and the Federal Negotiator and referred to in paragraph A of the Preamble hereto.

16. Amendments

No provision of this Agreement may be waived, modified or amended in any respect except in writing, signed by an authorized representative of each of the Parties. Waiver by either Party of any right under this Agreement in a given instance or failure to enforce any provision shall not operate thereafter as a waiver of that right or that provision or of any other right or provision of this Agreement.

17. Effect of Annexes

Annexes A to H hereof, attached hereto, form an integral part of this Agreement.

18. Governing Law

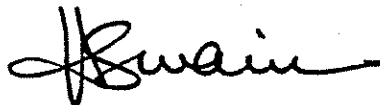
This Agreement and the related or ancillary agreements contemplated by the Annexes hereto shall be governed by and construed in accordance with the laws of the Province of Quebec.

IN WITNESS WHEREOF, this Agreement has been executed in quadruplicate by the duly authorized representatives of the Parties on the date first above-written.

EXECUTED at Hull, on this 12th day of Sept, 1990.

FOR AND ON BEHALF OF HER MAJESTY THE QUEEN IN RIGHT OF CANADA:

By:



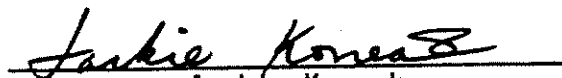
The Minister of Indian Affairs and
Northern Development


Witness

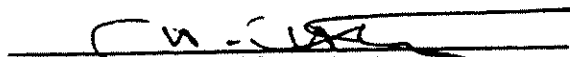
EXECUTED at Montreal, on this 12th day of September, 1990.

FOR AND ON BEHALF OF MAKIVIK CORPORATION:

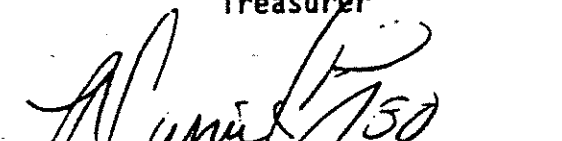
By:



Jackie Koneak
Second Vice-President



Willie Watt
Treasurer



Daniel Epoo
Secretary



Witness

JUSTICE/SOLICITOR GENERAL

1. Definitions:

- 1.1. "JBNQA": The James Bay and Northern Quebec Agreement, entered into on November 11, 1975, as amended from time to time in accordance with paragraph 2.15 thereof;
- 1.2. "JBIO": The JBNQA Implementation Negotiations Office established pursuant to Cabinet decisions, dated June 26, 1986 and March 24, 1988, for purposes of the JBNQA Implementation Negotiations, until the Office contemplated by paragraph 4.2 of this Agreement becomes operational and, thereafter, the said Office;
- 1.3. "Makivik": Makivik Corporation, the corporation established by the Act to establish the Makivik Corporation (R.S.Q., ch. S-18.1), and constituted as the Inuit Native Party for purposes of the JBNQA pursuant to paragraph 1.11 thereof;
- 1.4. "Inuit Negotiator":
The person appointed by Makivik on March 8, 1988 to represent the Inuit of Quebec for purposes of the JBNQA Implementation Negotiations, or his successor;
- 1.5. "KRG": Kativik Regional Government, established pursuant to Section 13 of the JBNQA;
- 1.6. "Justice": Department of Justice Canada;
- 1.7. "Solicitor General":
Department of the Solicitor General Canada.

2. Agreement-in-principle:

Canada is of the view that it is impractical to fulfil the letter of the paragraphs of the JBNQA referred to in paragraph 9.3 of this Agreement.

Therefore, Canada and the Inuit of Quebec have agreed to investigate, to make recommendations, and where it is practical and within Canada's jurisdiction and has received appropriate departmental approval, to improve the justice system as it applies to the Inuit of Quebec. This may require separate Working Groups for Justice and Solicitor General issues. Quebec shall be invited to participate in both.

Canada will, if invited by Quebec, participate in a similar Quebec Working Group(s).

In addition, Canada and the Inuit of Quebec have agreed to informal but regular biannual meetings between appropriate representatives of Justice and the Solicitor General and the Inuit of Quebec to discuss progress and problems relating to Native justice.

3. Organization of the Working Group(s):

- 3.1. The Working Group will consist of a representative appointed by Justice, a representative appointed by Solicitor General, a representative appointed by Makivik and a representative appointed by the KRG. Each representative may be supported by such other persons as said representative may choose. Within two months of the date of the Order in Council approving this Agreement, these representatives shall invite two representatives of the Province of Quebec to participate in this Working Group.
- 3.2. In the event that separate Working Groups are required to deal with Justice and Solicitor General issues, each Working Group will consist of a representative appointed by the relevant federal department and a representative appointed by each of Makivik and the KRG. The provisions of paragraph 3.1 above and of Section 4 below shall apply mutatis mutandis to those separate Working Groups, with one representative of the Province of Quebec invited to participate in each separate Working Group.
- 3.3. Each party to the Working Group(s) shall be responsible for its own costs related to the Working Group(s). Unless the parties to the Working Group(s) agree otherwise, the approved in advance common costs related to the Working Group(s) shall be borne equally by the parties to the Working Group(s).

4. Plan of Action:

- 4.1. The Working Group shall meet and discuss how to achieve the agreement-in-principle stated in Section 2 above and shall make specific recommendations and proposals in order to achieve said agreement-in-principle.
- 4.2. No later than twelve (12) months following the Order in Council approving this Agreement, the Working Group shall submit its recommendations for approval to Justice, Solicitor General, the JBIO and the Inuit Negotiator, and in particular report whether any modifications to existing authorities, programs or services would be necessary to implement the said recommendations and whether any such modifications require specific Cabinet approval.

In the event any such recommendations require Cabinet approval, the JBIO shall oversee the submission of same to Cabinet. No later than twenty-four (24) months following the Order in Council approving this Agreement, Justice and Solicitor General shall make their position on said recommendations known to the JBIO and the Inuit Negotiator.

5. Implementation:

- 5.1. The JBIO shall oversee the implementation by the Government of Canada of the approved recommendations referred to in paragraph 4.2 above.

ANNEX "5"

Le Ministre
des Affaires Internationales
et
Ministre délégué
aux Affaires autochtones

Québec, May 24, 1990

Mr. Charlie Watt
President
Makivik Corporation
650, 32th Avenue, 6th floor
Lachine (Québec)
H8T 1Y4

Mr. President,

On behalf of the government of Québec it is my pleasure to present to yourself and to the Inuit of Québec formal proposals pertaining to various questions of common interest.

The government is pleased to note the will shown by the Inuit in maintaining harmonious relations based on dialogue and serious analysis of real opportunities and problems facing the development of Inuit society.

The government believes in the need of strengthening and developing further the institutional, social, cultural and economic bonds between the Inuit and Québec society as a whole.

With this in mind the government has authorized and confirms the offer already made in the past of setting up a central negotiation table which, in turn, will see to setting up sectoral tables according to the subjects and issues to be discussed.

The central negotiating table should deal with the review and implementation of the James-Bay agreement as well as with a negotiated form of self government.

The government thinks it is important that such topics be dealt with in a serene manner because a favourable climate is necessary to a true and unbiased assessment in self government.

1226, place George V
4^e étage
Québec (Québec)
G1R 4Z7
Tél. (418) 840-2319

770, rue Sherbrooke Ouest
10^e étage
Montréal (Québec)
H3A 1Q1
Tél. (514) 498-2180

In view of the environmental and economic impacts of the Great Whale project, the government intends that these issues be dealt with during such negotiations by setting up a proper sectoral table with the full participation of Hydro-Québec.

The Inuit will thus be able to enter into formal talks with Hydro-Québec on the ways and means best suited to deal with their concerns relating to the Great Whale project.

The government wishes to work jointly with the Inuit on strengthening the economic development of the region and of its inhabitants. The government thus wishes to confirm the following preoccupations:

- priority should be given to chapter 29 of the James Bay and Northern Québec Agreement;
- necessary steps should be taken to ensure the establishment of a vocational centre near the Great Whale Complex where Inuit could have access to proper training in view of benefitting from the economic opportunities stemming from the realization of hydro projects;
- the establishment of such a training centre should also take into account the training of Inuit in other areas, proper attention being given to the use of French language on the work place;
- Inuit should be involved in setting up a special corporation devoted to the management of wildlife resources and habitats in view of the impacts of a project such as the Great Whale Complex;
- assistance should be granted to help the development of community and recreation facilities;
- assessment of needs and of measures required for building docking infrastructures adapted to the communities should be looked into;
- assessment of ways to set up financial and banking institutions in the territory should be looked into;
- appropriateness of regionalizing the administration of justice and public security through formulas adapted to the northern situation should be examined jointly;

The government has allowed for the allocation, in due course, of financial resources to implement such measures. Some of these measures also require the participation of the federal government as provided for by the James Bay Agreement. At a certain stage we should thus ensure the participation of the Federal government on certain topics which we could agree upon in the first stages of our negotiations.

The government wishes to assure you and the Inuit people that it is willing to proceed in good faith and at your earliest convenience.

Yours faithfully,


JOHN CIACCIA

ANNEX "6"

❖ ❖ Gouvernement
❖ ❖ du Québec

*La Vice-première ministre et
ministre de l'Énergie et des Ressources,
responsable du développement régional*

Lise Bacon Québec, May 25, 1990

Mr. Charlie Watt
President
Makivik Corporation
650, 32th Avenue, 6th Floor
Lachine (Québec)
H8T 1Y4

Mr. President,

On behalf of the government of Québec it is my pleasure to present to yourself and to the Inuit of Québec formal proposals pertaining to various questions of common interest.

The government is pleased to note the will shown by the Inuit in maintaining harmonious relations based on dialogue and serious analysis of real opportunities and problems facing the development of Inuit society.

The government believes in the need of strengthening and developing further the institutional, social, cultural and economic bonds between the Inuit and Québec society as a whole.

With this in mind the government has authorized and confirms the offer already made in the past of setting up a central negotiation table which, in turn, will see to setting up sectoral tables according to the subjects and issues to be discussed.

The central negotiating table should deal with the review and implementation of the James Bay agreement as well as with a negotiated form of self government.

The government thinks it is important that such topics be dealt with in a serene manner because a favourable climate is necessary to a true and unbiased assessment in self government.

In view of the environmental and economic impacts of the Great Whale project, the government intends that these issues be dealt with during such negotiations by setting up a proper sectoral table with the full participation of Hydro-Québec.

The Inuit will thus be able to enter into formal talks with Hydro-Québec on the ways and means best suited to deal with their concerns relating to the Great Whale project.

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The government has allowed for the allocation, in due course, of financial resources to implement such measures. Some of these measures also require the participation of the federal government as provided for by the James Bay Agreement. At a certain stage we should thus ensure the participation of the Federal government on certain topics which we could agree upon in the first stages of our negotiations.

The government wishes to assure you and the Inuit people that it is willing to proceed in good faith and at your earliest convenience.

Yours faithfully,



☙ ☙ Gouvernement
☙ ☙ du Québec

*La Vice-première ministre et
ministre de l'Énergie et des Ressources,
responsable du développement régional*

Lise Bacon

Québec, le 25 mai 1990

Sénateur Charlie Watt
Président
Société Makivik
650, 32^e Avenue, 6^e étage
Lachine (Québec)
H8T 1Y4

Monsieur le Président,

Au nom du gouvernement du Québec, j'ai le plaisir de vous présenter, ainsi qu'aux Inuit du Québec des propositions formelles sur différentes questions d'un intérêt commun.

Le gouvernement est heureux de constater la volonté des Inuit d'entretenir des relations harmonieuses basées sur le dialogue et l'analyse des problèmes et des opportunités réelles en regard du développement de la société inuit.

Le gouvernement croit en la nécessité de renforcer et de développer davantage les liens institutionnels, socio-culturels et économiques entre les Inuit et l'ensemble de la société québécoise.

C'est ainsi que le gouvernement a autorisé et confirme l'offre faite dans le passé d'établir une table centrale de négociation laquelle à son tour établira des tables sectorielles suivant les sujets et les dossiers à être discutés.

La table centrale de négociation devrait traiter de la revue et de l'application de la Convention de la Baie James et du Nord québécois ainsi que d'une forme négociée de gouvernement autonome.

Le gouvernement est d'avis qu'il est important que de tels sujets soient abordés de façon sereine parce qu'il est nécessaire d'établir un climat favorable à une évaluation véritablement objective d'un gouvernement autonome.

Étant donné les impacts environnementaux et économiques du projet Grande Baleine, le gouvernement a l'intention de faire en sorte que ces sujets soient traités dans le cadre de telles négociations en établissant une table sectorielle particulière avec la participation d'Hydro-Québec.

C'est ainsi que les Inuit pourront entreprendre des pourparlers formels avec Hydro-Québec par rapport aux voies et moyens appropriés pour répondre à leurs préoccupations en regard du projet Grande Baleine.

Le gouvernement veut travailler de concert avec les Inuit afin de renforcer le développement économique de la région et de ces habitants.

Le gouvernement désire donc confirmer les préoccupations suivantes:

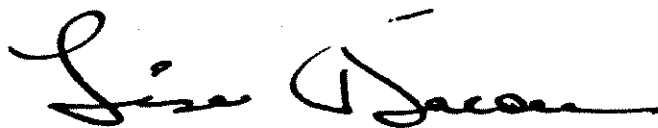
- priorité devrait être donnée à la mise en oeuvre du chapitre 29 de la Convention de la Baie James et du Nord québécois;
- les moyens suffisants devraient être pris pour s'assurer de l'établissement d'un centre de formation professionnelle à proximité du complexe Grande Baleine où les Inuit pourraient avoir accès à de la formation en vue de profiter pleinement des retombées issues de la réalisation des projets hydroélectrique;

- prévoir lors de l'établissement de ce centre de formation, la nécessité de former des Inuit dans d'autres domaines tout en accordant l'attention nécessaire à l'apprentissage de la langue française au travail;
- intéresser les Inuit dans la mise sur pied d'une corporation spécialisée dans la gestion des ressources et habitats fauniques compte tenu des impacts d'un projet tel que celui du complexe Grande Baleine;
- accorder une assistance au développement d'équipement communautaire et de loisir;
- évaluer les besoins et les mesures appropriées pour établir des infrastructures d'accostage répondant aux besoins des communautés;
- examiner les moyens de mettre sur pied des institutions bancaires et financières sur le territoire;
- examiner avec les Inuit l'opportunité de régionaliser l'administration de la justice et de la sécurité publique en adaptant des formules au contexte nordique;

Le gouvernement a prévu, en temps utile, l'allocation de ressources financières pour la réalisation de telles mesures. Certaines d'entre elles nécessiteront la participation du gouvernement fédéral tel que prévu à la Convention de la Baie James et du Nord québécois. Il sera donc nécessaire qu'au moment opportun nous nous assurions de la participation du gouvernement fédéral sur certains points dont nous pourrions convenir au début de nos négociations.

Le gouvernement désire vous assurer ainsi qu'aux Inuit qu'il entend procéder de bonne foi et à votre convenance.

Je vous prie d'agréer, Monsieur le Président, l'expression de nos meilleurs sentiments.



ANNEX "7"

MEMORANDUM OF AGREEMENT

BETWEEN:

LE GOUVERNEMENT DU QUÉBEC, acting herein and represented by the Minister for Native Affairs and the Minister of Energy and Resources, duly authorized to sign this agreement in the name of Le Gouvernement du Québec,

(hereinafter referred to as "Québec")

AND:

MAKIVIK CORPORATION, acting herein and represented by its President, Senator Charles Nadeau, duly authorized to sign this Agreement in the name of Makivik Corporation,

(hereinafter referred to as "Makivik")

WHEREAS the James Bay and Northern Québec Agreement (hereinafter the "JBNQA") was signed, among others, by Québec and Makivik's predecessor, the Northern Québec Inuit Association, on November 11, 1975;

WHEREAS Makivik, incorporated under Chapter S-18.1, R.S.Q., is the "Inuit Development Corporation", the "Native party" and the "legal entity" referred to throughout the JBNQA, particularly in paragraphs 1.11 and 27.0.1 thereof;

WHEREAS by virtue of its constituting Act as well as the Act concerning Cree, Inuit and Naskapi Native Persons, Chapter A-33.1, R.S.Q., Makivik is the non-profit corporation which represents and is exclusively composed of all the Inuit beneficiaries under the JBNQA;

WHEREAS Québec has committed itself to review jointly with Makivik the implementation thus far of the entire JBNQA;

WHEREAS within the framework of the joint review of the implementation of the JBNQA, current negotiations between the Nunavik Constitutional Committee and Québec on the self-government of Nunavik must be taken into account;

WHEREAS Québec and Makivik have formally undertaken the joint and systematic review of the implementation of the JBNQA;

WHEREAS the parties wish to set forth their understandings with respect to the substantial as well as the material, financial, logistical and practical aspects of this review process;

WHEREFORE, THE PARTIES HAVE AGREED AS FOLLOWS:

1. Duration and extension of Agreement

This Agreement shall have effect retroactively to July 5, 1990. Its financial provisions shall apply from such date until March 31, 1992. Beyond this date, if negotiations have not been completed, new financial arrangements shall be agreed to by mutual consent of the parties.

2. Objects

The review of the implementation of the JBNQA and the related negotiations shall have, as objects to:

- a) analyze the history of the implementation of the JBNQA thus far in order to determine the underlying reasons for its success in certain areas and its failure in others;
- b) identify the problem areas and to attempt to resolve them, taking into account the spirit and intent of the JBNQA as well as its dynamic nature and taking also into account the negotiations between the Nunavik Constitutional Committee and Québec on self-government;
- c) determine the nature, scope and time-frame of implementation measures agreed to and express them, if necessary, in a formal implementation agreement.

3. Method of Negotiation and Keeping of Records

While no joint, formal and binding minutes of the discussions will be kept, the parties agree to table written positions identifying the source or sources of a particular implementation problem or issue, a statement of the problem or issue itself, and proposing a solution.

The party receiving such position paper shall review it, discuss it both internally and at the table, and submit its response in a format that will endeavour to identify points of agreement and of disagreement and propose its own solutions as the case may be.

It is the explicit intent of the parties that such process of successive exchanges of positions will first allow consensus to emerge and then gradually narrow down and pinpoint those areas where differences of view may possibly subsist. All matters eventually agreed upon and contained in a joint position paper shall bind the negotiators who shall submit them for approval to their respective parties. As soon as the parties shall have agreed upon the nature, the scope and the time-frame of any such implementation measures, these latter will be diligently carried into effect.

Those matters which the parties will not be able to agree upon are set forth in a joint statement outlining, in each case, the terms on which partial agreement is possible and those which constitute the points of disagreement. This statement is referred to the central negotiation table which will endeavour to resolve them conclusively.

4. Sectorial Tables

The parties agree to set up as many sectorial tables of negotiation as may be required to facilitate and accelerate the conduct of negotiations.

The role of such sectorial tables shall be to review in detail the issues put forward by the parties at the central table. These sectorial tables shall comprise an equal number of representatives of the parties. Their task will be to analyze proposals and produce a joint statement on those points on which they are themselves in agreement, as well as a statement on those points on which agreement has not been reached. This second statement must also enunciate the respective position of the parties on each such point of disagreement. The file is then be referred to the negotiators for consideration at the central table.

5. Order of Presentation and Priority

The parties agree that issues may be brought forward without following any particular order so as to provide flexibility to the parties in the preparation of files. A party wishing to raise a particular issue at the central table or to refer it to a sectorial table advises the other party accordingly in writing, at least one month in advance, so as to allow it to communicate with the necessary resource persons and obtain relevant documentation and information.

Notwithstanding the foregoing, the parties agree that certain issues and matters shall be granted priority throughout the negotiation process. This means that the discussions and the referral to sectorial tables, in certain cases, takes place as soon as this agreement is signed. Makivik has identified four (4) such issues, while Québec has identified two (2).

Respectively, these issues are:

For Makivik

- . Justice;
- . Health and social services;
- . Marine infrastructure program;
- . The transfer of federal manpower programs.

For Québec

- . Rationalization of organizations;
- . Issues listed in Québec letters of May 24 and 25, 1990.

6. Travel and Lodging Costs

During such negotiations and/or discussions, Québec shall pay the travel and lodging costs of representatives of Makivik to attend:

- a) from July 5, 1990 until March 31, 1991, ten (10) meetings to be held in Nunavik or in southern Québec as the parties may agree from time to time, comprising no less than five (5) meetings with Québec officials;
- b) from April 1, 1991 to March 31, 1992, up to twenty (20) meetings to be held in Nunavik or in southern Québec as the parties may agree from time to time, comprising no less than ten (10) meetings with Québec officials.

Travel costs include round-trip air fare, economy class, as per the rates of commercial air carriers between Montréal and/or Québec City and one or more of the Nunavik communities or between them.

The representatives of Makivik shall receive a *per diem* allowance not to exceed one hundred and seventy dollars (\$170.00) comprising hotel, meals and taxi fares.

It is understood and agreed that the aggregate total of all travel and lodging costs shall never exceed the sum of sixty nine thousand dollars (\$69,000.00) during each financial year, save for the provisions of article 7, below.

Reimbursement of these travel and lodging costs will be made by Québec to Makivik upon presentation of copies of vouchers and receipts countersigned, as the case may be, by both the Québec and Makivik head negotiators.

7. Regional Consultation Tours

Québec agrees to contribute an additional amount of five thousand dollars (\$5,000.00) prior to March 31, 1991, plus an additional amount of five thousand dollars (\$5,000.00) between April 1, 1991 and March 31, 1992, in order to help defray the cost of travel and lodging associated with regional consultation tours which will be undertaken by representatives of Makivik both to inform the Nunavik population of developments and to receive its comments, instructions and advice.

8. Translation and Printing Costs

Québec acknowledges that Makivik will need to have many documents translated from and into French, English and Inuktitut, and then printed and distributed in Nunavik as well as in southern Québec from time to time. To help cover such costs, Québec will contribute during each financial year an amount not to exceed seventeen thousand dollars (\$17,000.00) on terms and conditions to be discussed with Makivik.

9. Studies and Research

The parties further acknowledge that for their common benefit, special studies and research will from time to time have to be conducted by third parties on topics mutually agreed as relevant to a better understanding of the self-government concept, the functioning of its existing models and various questions of particular complexity which may arise during the course of discussions. To this end, Québec will contribute, for each financial year an amount not to exceed twenty thousand dollars (\$20,000.00), on terms and conditions to be discussed with Makivik.

IN WITNESS WHEREOF THE PARTIES HAVE SIGNED

, this day of

LE GOUVERNEMENT DU QUEBEC


Christos Sirros, Minister for Native Affairs

Lise Bacon, Minister of Energy and Resources

, this day of

MAKIVIK CORPORATION


Senator Charlie Watt, President

ANNEX "8"



Government
of Canada

Gouvernement
du Canada

MEMORANDUM

NOTE DE SERVICE

REC 1 07/90

TO: Justice/Solicitor General
À Working Group with the Inuit

SECURITY-CLASSIFICATION DE SÉCURITÉ

OUR FILE-N/RÉFÉRENCE

FROM: Ed Buller
DE Solicitor General Canada

YOUR FILE-V/RÉFÉRENCE

DATE
14 January 1992

SUBJECT
OBJET

SUBSTANCE ABUSE TREATMENT CENTRES IN QUEBEC

Following our last Working Group meeting, I asked Ms. Robyn Scott of the Addictions and Community Funded Programs, National Health and Welfare, to review the Ministry User Report dealing with Aboriginal Substance Abuse Treatment Centres. I sent you a copy of that report some weeks ago.

Attached please find a copy of her reply which indicates that one treatment centre no longer exists and there have been three additional centres opened since the Ministry's report was issued.

Ed Buller

0 0 3 6.7 7

RECORDS MANAGEMENT
GESTION DES DOCUMENTS

Room 1186
Jeanne Mance Building
Tunney's Pasture
Ottawa, Ontario
K1A 0L3

To-A

File No. _____
No de Dossier 5267-1

Chg'd. To
Transmis **2C**
Your file Votre reference

Our file Notre référence

52 JAN 10 08 18

January 7, 1992

Mr. Ed Buller
Senior Policy Analyst
Solicitor General
Sir Wilfred Laurier Bldg.
340 Laurier Ave. West
Ottawa, Ontario
K1A 0P8

Dear Ed:

Thank you for your letter of December 14, 1991, in which you request information as follow up to the meeting of the Working Group with the Inuit of Quebec.

The official title of this unit is Addictions and Community Funded Programs, which includes the National Native Alcohol and Drug Abuse Program, the Community Health Representative Program, the Family Violence Initiative and Community based AIDS.

With regard to treatment services in Quebec Region, the Isuarsavik Support Centre, Inc. no longer exists. However, three new centres have opened their doors including:

Centre de Readaptation Wapan
703 Boul. Ducharme
La Tuque, Quebec
G9X 3B4
(819) 523-7641
Executive Director - Pierre Poulin

Wanaki Centre
P.O. Box 37
Maniwaki, Quebec
J9E 3B3
(819) 449-7000
Executive Director - Gina Whiteduck-McDougall

.../2

Canada

- 2 -

Centre de Readaptation KaUauitshiakanit
Reserve de Maliotenam
C.P. 389
Moisie, Quebec
G0G 2B0
(418) 927-2254.
Executive Director - Caroline Basille

Once I have had an opportunity to review the material related to the construction of a treatment facility in Northern Quebec, I will forward the appropriate information to you.

Should you have further questions on the above, please do not hesitate to contact my office.

Sincerely,



Robyn Scott
A/Director
Addictions and Community
Funded Programs

ANNEX "9"

JOINT DOCUMENT

PREAMBLE

In the spring of 1989, the Quebec Department of Public Security began a thorough study of the situation in the native communities and formed a working committee responsible for preparing a draft policy concerning the Department's relations with natives. This committee also developed, in November 1989, a draft policy on policing services for the native communities in Quebec.

In January 1990, the federal Department of Indian Affairs and Northern Development distributed its "Indian Policing Policy Review" to the natives and to the provincial governments. This document contains important topics for discussion which involve the two levels of government and the local native authorities alike.

A number of similarities have been noted between the draft policies issued by the Quebec Department of Public Security and the proposed principles and recommendations found in the federal report.

To avoid any ambiguity, the ministers responsible decided to form a joint committee to gather the opinions of the aboriginal authorities with regard to policing services in their communities by means of a consultation process. Consequently, this committee has prepared this document, which reflects the principles and objectives of the Department of Public Security and those contained in the Indian Policing Policy Review.

These consultations should make it possible for government authorities to make decisions with a view to establishing quality policing services that are in keeping with the special needs of natives and operate within a legal framework.

GENERAL STATEMENT

The federal Department of Indian Affairs and Northern Development and the Quebec Department of Public Security agree to normalize the policing functions for native communities in Quebec within a legal and administrative framework which preserves the responsibility of the federal Department of Indian Affairs and Northern Development with regard to natives and the responsibility of the Quebec Department of Public Security with respect to maintaining order and public security in Quebec, while respecting the wishes of Quebec native communities for local autonomy.

THE PRINCIPLES

The two departments concerned, which share the following principles with regard to native policing services in Quebec, recognize that:

1. Policing functions in native communities must be carried out in accordance with the Constitution, the laws and regulations of Quebec and of Canada, and the respective missions of the departments concerned;
2. Each of the local native, provincial and federal governments has a legitimate role with respect to policing services for the native communities, as follows:
 - Quebec has a responsibility to establish suitable policing legislation;
 - Quebec has responsibility for the provision of policing services for native communities;
 - the federal government must support Indian-specific policing programs; these programs must meet specific criteria;
 - local native governments must participate in the management and administration of policing services in their communities.
3. The federal Department of Indian Affairs and Northern Development recognizes the jurisdiction of the Quebec Department of Public Security with regard to the administration of justice, which includes policing services;
4. Native communities are entitled to culturally sensitive policing services that are equivalent in quality to those enjoyed by all other citizens;
5. Native communities must be fully involved in the administration of these services on the land they occupy;
6. The recognized local native authorities must not interfere, under any circumstances, in daily policing operations, while remaining accountable to their communities for these services;
7. The laws and regulations may be changed, if necessary, with a view to promoting the management of policing services by the natives;

8. The habits and customs of the aboriginal people must be respected in the administration of native policing services;
9. The local application of a policing program for the native communities must be directly negotiated with each of the local authorities recognized under the Indian Act, or any other legislation or agreements, and these negotiations must be conducted individually and directly with the communities concerned;
10. Local native police officers must have the authority necessary to perform their duties in the location to which they are assigned;
11. The departments concerned will take the measures required to ensure that local native police officers receive the training needed to perform their duties properly and, if they so desire, to work in other police forces;
12. The Institut de Police du Québec and the selected CEGEPs concerned are the only recognized authorities for police training in Quebec;
13. The Institut de Police du Québec must facilitate the hiring of native instructors to assist in the training of native constables;
14. Policing services must give priority to community action and prevention in the performance of their functions;
15. Nothing must derogate from aboriginal rights, treaty rights, constitutional rights or any other right, privilege or freedom that is enjoyed or may be enjoyed by any of the parties concerned.

OBJECTIVES

The federal Department of Indian Affairs and Northern Development and the Quebec Department of Public Security seek to:

1. Give the native communities access to quality policing services and meet their needs in this regard;
2. Propose changes, if necessary, to the laws and regulations with a view to promoting the management of policing services by the natives;
3. Ensure that native police officers have the status and training provided for under the Quebec Police Act and its regulations;
4. Ensure the provision of policing services that are sensitive to native culture.

CONCLUSION

Following these consultations and subject to approval of the two governments, the two departments concerned will enter into negotiations regarding financial contributions in order to ensure an improved policing services program in Quebec and reach, in this regard, a memorandum of understanding between the parties concerned.

ANNEX "10"

KATIVIK REGIONAL GOVERNMENT

Resolution n° 91-44

Concerning the establishment of a Regional Police Force.

WHEREAS the Regional Government is authorized to establish and maintain a Regional Police Force in its Territory according to the provisions of section 21 of the James Bay and Northern Quebec Agreement;

WHEREAS the Regional Government has jurisdiction according to section 243 of *An Act respecting Northern Villages and the Kativik Regional Government* (R.S.Q. c. V-6.1), hereinafter referred to as the Kativik Act, over all the Territory described in paragraph v, section 2 of the Kativik Act;

WHEREAS the Regional Government shall have competence in Police matters according to section 351 of the Kativik Act;

WHEREAS the Regional Government is authorized to establish and maintain a Regional Police Force according to section 389 of the Katvik Act;

WHEREAS the Regional Government deems it to be in the best interests of the population living in its Territory to establish a Regional Police Force;

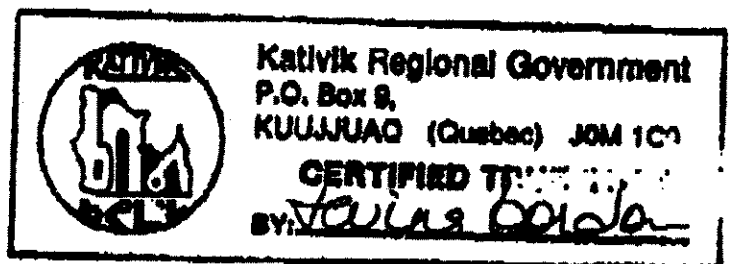
WHEREAS the Regional Government is prepared to cooperate with the Ministry of Public Security and the Québec Police Force to establish such a Regional Police Force;

WHEREAS the Regional Government would like to obtain a timetable within the next 6 months for the establishment of a Regional Police Force in its Territory; and,

WHEREAS the Manager and the Head of the Legal Department shall be appointed to commence forthwith, negotiations with the Ministry of Public Security and the Québec Police Force.

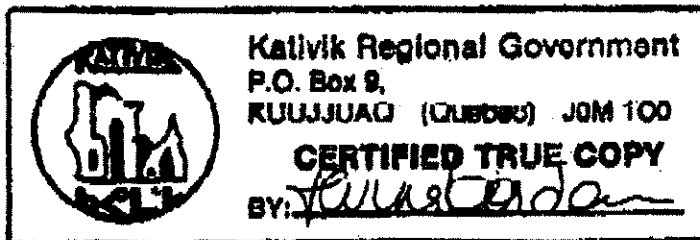
It is therefore resolved that:

1. the preamble be an integral part of this resolution;
2. to commence forthwith, negotiations with the Ministry of Public Security and the Québec Police Force in order to establish the Regional Police Force in the Territory under the jurisdiction of the Regional Government;
3. to appoint the Manager and the Head of the Legal Department to commence negotiations on behalf of the Regional Government;



4. to require the Manager and the Head of the Legal Department to prepare a timetable within the next 6 months for the establishment of a Regional Police Force and to report promptly on the progress of the negotiations at each meeting of the Executive Meeting and of the Regional Council; and,
5. this resolution come into force on the date of its adoption.

MOVED BY	:	Simonie Sivuarapik
SECONDED BY	:	Jimmy Johannes
IN FAVOUR	:	12
OPPOSED	:	0
ABSTENTIONS	:	1
ABSENTEES	:	3
DATE OF ADOPTION	:	August 22, 1991
SPEAKER'S SIGNATURE	:	(S) Johnny Annahatuk
SECRETARY'S SIGNATURE	:	(S) Males Saunders



ANNEX "11"

**KATIVIK REGIONAL COUNCILLORS
NUNAVIK MAYORS'
SPECIAL MEETING ON PUBLIC SECURITY**

**Kuujjuaq
April 2-4, 1991**

RE: IMPLEMENTATION OF A REGIONAL POLICE FORCE

- WHEREAS** according to chapter 21 of the JBNQA, Kativik Regional Government has the authority to make ordinances to provide for the organization and maintenance of a Regional Police Force;
- WHEREAS** Nunavik Communities and the Kativik Regional Government clearly indicate their intention to work toward the implementation of such a Regional Police Force within a near future;
- WHEREAS** the implementation of such a Regional Police Force would provide Inuit population with possibilities to develop greater autonomy in the field of police services.

**THEREFORE, UPON MOTION BY
HEREBY RESOLVED**

AND SECONDED BY

IT IS

- THAT** the preamble is an integral part of the present resolution;
- THAT** the participant to this meeting reiterate their demand for the implementation of a Regional Police Force within the best possible delay;
- THAT** Kativik Regional Government is hereby requested to take all necessary measures for the preparation and adoption of ordinances providing for the organization, equipment and maintenance of a Regional Police Force and the discipline of its members and initiate all the discussion and negotiations they deem appropriate to reach that goal.

ANNEX "12"

NORTHERN VILLAGES AND KATIVIK REGIONAL GOVERNMENT

Municipal corporations. The municipal corporations shall retain their competence in these matters until the Regional Government exercises its competence respecting such matters and to the extent that the Regional Government has refrained from doing so.

Inferior standards. No by-law of any municipal corporation in the territory respecting such matters shall validly impose standards which are inferior to those mentioned in the ordinance of the Regional Government.

1978, c. 87, s. 368.

DIVISION IV

POLICE

Regional police force. **369.** The Regional Government is authorized to establish by ordinance and maintain a regional police force.

1978, c. 87, s. 369.

Applicable Act. **370.** If the Regional Government establishes and maintains such a regional police force, it shall be a "municipality" within the meaning of the Police Act (chapter P-13) and of the Act respecting police organization (chapter O-8.1), which shall then apply, *mutatis mutandis*, subject to this division.

1978, c. 87, s. 370; 1988, c. 75, s. 242.

Duties. **371.** In addition to the duties conferred upon them by the Police Act, it shall be the duty of the regional police force, of each member thereof and of each special constable appointed under section 81 of the said act to prevent infringements of the ordinances and by-laws of the Regional Government and of the by-laws of the municipal corporations in the territory and the laws of Québec and to seek out the offenders.

1978, c. 87, s. 371.

Exception. **372.** Subparagraphs 4 and 5 of the first paragraph of section 3 of the Police Act (chapter P-13) do not apply to the members of the regional police force who are Inuit or Naskapi beneficiaries under the Act respecting Cree, Inuit and Naskapi Native persons (chapter A-33.1).

1978, c. 87, s. 372; 1979, c. 25, s. 144; 1988, c. 75, s. 243.

Director, chief of regional police force. **373.** The director or chief of the regional police force shall be appointed by the Minister of Public Security on the recommendation

NORTHERN VILLAGES AND KATIVIK REGIONAL GOVERNMENT

of the Regional Government, and shall take the oaths prescribed in section 4 of the Police Act (chapter P-13) before any judge contemplated in section 80 thereof.

1978, c. 87, s. 373; 1986, c. 86, s. 41; 1988, c. 46, s. 24.

Other members. **374.** The Regional Government shall appoint the other members of the regional police force; such appointments must be approved by the Minister of Public Security.

Oaths. After such approval, each member contemplated in the first paragraph shall take the oaths prescribed in section 4 of the Police Act (chapter P-13) before the chairman of the executive committee.

Special constables. Any special constable appointed under section 81 of the Police Act shall also take the same oaths before the chairman of the executive committee.

1978, c. 87, s. 374; 1986, c. 86, s. 41; 1988, c. 46, s. 24.

Dismissal. **375.** Notwithstanding section 79 of the Police Act (chapter P-13), any member of the regional police force may be dismissed by any judge contemplated in section 80 of the said Act when an application to that effect is made to him by the Minister of Public Security.

1978, c. 87, s. 375; 1986, c. 86, s. 41; 1988, c. 46, s. 24.

Interpretation. **376.** For the purposes of this division, a reference in the Police Act to

(a) the mayor of a municipality is a reference to the chairman of the executive committee;

(b) a by-law of a municipality is a reference to an ordinance of the Regional Government;

(c) the clerk or secretary-treasurer of a municipality is a reference to the secretary of the Regional Government.

Applicability. Notwithstanding the provisions of paragraph *p* of section 2, any ordinance passed by the Regional Government under this division shall apply within the whole territory and its application shall not be limited to the municipalities under the jurisdiction of the Regional Government.

1978, c. 87, s. 376.

Minister responsible. **377.** The Minister of Public Security shall be responsible for the application of this division.

1978, c. 87, s. 377; 1986, c. 86, s. 38; 1988, c. 46, s. 24.

ANNEX "13"

**KATIVIK REGIONAL COUNCILLORS
NUNAVIK MAYORS'
SPECIAL MEETING ON PUBLIC SECURITY**

**KuuJJuaq
April 2-4, 1991**

RE: INCENTIVE AND BENEFIT FOR LOCAL CONSTABLES

WHEREAS Inuit communities are generally facing important difficulties in reason of high turn-over of their local constables;

WHEREAS Inuit Special constables hired under the Quebec Police Act do not received the same benefits as a regular member of the Quebec Police Forces;

WHEREAS Inuit Special Constables who are in position since many years do not see serious possibility of promotion and advancement within the Police Force;

WHEREAS it would be important to provide better incentive and benefits to the Special Constables to encourage them to remain within the Police Force and render the position more attractive force potential candidates.

THEREFORE, UPON MOTION BY _____ AND SECONDED BY _____
IT IS HEREBY RESOLVED

THAT discussions shall be initiated with Quebec Police Force and Public Security Department in other to prepare a revised benefit plan as well as a revised carreer advancement program which would apply to the Inuit Special Constables;

THAT such benefit plan and carreer advancement program shall be worked on as a priority in order to finalized them and implement them on or before the end of 1991.

ANNEX "14"

Makivik Annual General Meeting
Kangirsuk, Québec, April 30-May 4, 1990

Resolution No. 1990-M-2

Re: Consultation regarding Administration of Justice

- WHEREAS Northern Québec Inuit have yet to be adequately consulted in a comprehensive manner with respect to issues concerning the administration of justice;
- WHEREAS administration of justice is integral to self-government in Nunavik;
- WHEREAS Makivik is aware that Justice Québec may soon propose one approach to the administration of justice for Native communities in Québec, including Nunavik communities;
- WHEREAS a brief and oral presentation of this Justice Québec proposal at the Makivik Annual General Meeting workshop of Justice suggest that it contains encouraging elements;
- WHEREAS Northern Québec Inuit must participate in a meaningful way in the creation and implementation of any justice system for northern Québec;
- WHEREAS any justice system for northern Québec must address the issues of the courts, Inuit customs and traditions, incarceration problems, post-incarceration services, language barriers, information access, alternate forms of dispute resolution, adequate financial and physical resources for communities, training of Inuit for employment related to the justice system.
- THEREFORE, on motion moved by Bobby Baron, seconded by Tommy Cain, it was resolved:-
- THAT Makivik in conjunction with the Kativik Regional Government, the Government of Québec and the Government of Canada, to the extent possible, jointly undertake within the next eleven months, an information and consultation process with northern Québec Inuit communities with respect to all relevant issues related to the administration of justice in northern Québec;
- THAT Makivik and the Kativik Regional Government shall form a commission to work on this information and consultation process and select the people to sit on the Commission;
- THAT Makivik, for such information and consultation purposes, commit some funds to facilitate their process and seek funding from the parties mentioned above.

Unanimously approved.

ANNEX "15"

PLAN OF OPERATION

INUIT JUSTICE TASK FORCE



DISCUSSION PAPER



INUIT JUSTICE TASK FORCE

PLAN OF OPERATION

INTRODUCTION:

Current social, economic, cultural and political trends in northern Québec - high unemployment; low levels of education attainment; decline of traditional language and culture; increase in dependence on welfare; increase in rates of crime; increase in drug and alcohol abuse; high suicide rates; - all put tremendous strains on the existing resources for the administration of justice. The disproportionate numbers of the Inuit involved in the criminal justice system and the serious relationship between alcohol and drug abuse and crime in northern Québec strongly suggest that the system is not effectively addressing the needs of northern Québec Inuit with respect to the administration of justice. Nor are simply more of the existing resources the answer. Even after 15 to 20 years of the application of the justice system to the north, Inuit still consider it strange and foreign to them.

The James Bay and northern Québec Agreement of 1975 ("J.B.N.Q.A.") attempted to address some of the administration of justice problems and inadequacies in northern Québec. These provisions are in Chapter 20 (Administration of Justice) and Chapter 21 (Police). Basically, these chapters propose increased Native participation in the administration of justice at the lower levels of the system and the creation of a regional police force. It also proposes detention facilities for the region and various improvements to the itinerant court. These chapters of the J.B.N.Q.A., for the most part, remain unimplemented.

However, the evolution of the concept of self-government in northern Québec demands a more comprehensive and effective approach to the administration of justice as one of the underpinnings of any future self-government structure for northern Québec. Moreover, the focus of Makivik, the Kativik Regional Government, Québec and Canada over the last ten to fifteen years had not been upon the administration of justice but instead has related to improving the material and economic aspects of northern Québec life such as housing, health services, education services, infrastructure, etc.

MAKIVIK 1990 AGM RESOLUTION:

In an effort to accelerate improvements in the administration of justice for northern Québec Inuit, Makivik at its Annual General Meeting in Kangirsuk (April 30 - May 4, 1990) adopted a resolution following a workshop on justice which established the present Makivik-Kativik Regional Government Task Force to inform and consult Inuit of Nunavik with respect to justice issues. This resolution provides as follows:

Makivik Annual General Meeting

Kangirsuk, Québec, April 30-May 4, 1990

Resolution No. 1990-M-2

Re: Consultation regarding Administration of Justice

WHEREAS Northern Québec Inuit have yet to be adequately consulted in a comprehensive manner with respect to issues concerning the administration of justice;

WHEREAS administration of justice is integral to self-government in Nunavik;

WHEREAS Makivik is aware that Justice Québec may soon propose one approach to the administration of justice for Native communities in Québec, including Nunavik communities;

WHEREAS a brief and oral presentation of this Justice Québec proposal at the Makivik Annual General Meeting workshop of Justice suggest that it contains encouraging elements;

WHEREAS Northern Québec Inuit must participate in a meaningful way in the creation and implementation of any justice system for northern Québec;

WHEREAS any justice system for northern Québec must address the issues of the courts, Inuit customs and traditions, incarceration problems, post-incarceration services, language barriers, information access, alternate forms of dispute resolution, adequate financial and physical resources for communities, training of Inuit for employment related to the justice system.

THEREFORE, on motion moved by Bobby Baron, seconded by Tommy Cain, it was resolved:-

THAT Makivik in conjunction with the Kativik Regional Government, the Government of Québec and the Government of Canada, to the extent possible, jointly undertake within the next eleven months, an information and consultation process with northern Québec Inuit communities with respect to all relevant issues related to the administration of justice in northern Québec;

THAT Makivik and the Kativik Regional Government shall form a commission to work on this information and consultation process and select the people to sit on the Commission;

THAT Makivik, for such information and consultation purposes, commit some funds to facilitate their process and seek funding from the parties mentioned above.

Unanimously approved.

STRUCTURE

STRUCTURE OF TASK FORCE:

The Task Force consists of six Inuit representatives nominated by Makivik and the Kativik Regional Government who work on a part-time basis. The Chairperson is chosen by the members of the Task Force.

The members of the Task Force have the responsibility of meeting, overseeing and reviewing the work of the Task Force; holding consultations and hearings in the communities on matters within the mandate of the Task Force; and generally taking all decisions with respect to the work of the Task Force.

The role of the Chairperson is to supervise and direct the work of the Task Force members and staff and to participate, along with its members of the Task Force, in the various necessary liaison activities with the federal and provincial justice committees.

Task Force members, including the Chairperson, are engaged on a part-time basis and are remunerated for the efforts on a daily rate.

The Task Force engages various members of the Makivik and Kativik Regional Government staff as well as outside consultants, as necessary, to undertake the necessary research, analysis and consultation related to the work of the Task Force.

The Task Force meets once a month in addition to any other times which is felt to be required..

STRATEGY

OVERALL STRATEGY OF THE TASK FORCE:

The strategy of the Task Force is:

- a *To consult and inform* the communities as to what existed historically and what exists presently with respect to the administration of justice in northern Québec;
- b *To consult* the communities on current problems and perceptions of the administration of justice and possible solutions; and
- c *To recommend* solutions to problems identified by the consultation with the communities with respect to the administration of justice.

OBJECTIVES

OBJECTIVES OF THE TASK FORCE:

The objectives and purposes of the Task Force are the following:

- a *To educate, inform and consult* the population of Nunavik on matters related to the administration of justice;
- b *To analyse the data* obtained through the consultations with Nunavik and other sources and make appropriate recommendations with respect to the administration of justice for Nunavik taking into account provisions of the J.B.N.Q.A. and northern Québec Inuit aspirations to self-government;
- c *To provide information* to northern Québec Inuit with respect to historical and current justice systems in northern Québec;
- d *To conduct research* into the various aspects of administration of justice in northern Québec;
- e *To ensure* that all those affected by the administration of justice in Nunavik are directly involved and participate in any *solutions* to existing problems in this area.

THE INUIT JUSTICE TASK FORCE

CHAIRPERSON



Zebedee Nungak

Zebedee was born at his family's camp (1951) at Saputiligait, south of Povungnituk. First educated at the Federal Day School in Povungnituk and then for six years in Ottawa. An active leader in Inuit politics, first as the Secretary-Treasurer for the N.Q.I.A. and then as senior staff with Makivik. In the mid 1980s Zebedee was Co-Chairman of the Inuit Committee on National Issues. It was under this role that he was an instrumental force at the First Minister's Conference on Aboriginal Rights. He is presently serving his second term as First Vice-President of Makivik Corporation.

MEMBER



Lolly Annahatak

Lolly was born in Kangirsuk where she was raised by her grandmother. She shares a passion for the preservation of the Inuit culture as well as the future well being of the Inuit youth. Her professional life has been devoted to this. As a trained social worker, Lolly has worked on the Drug and Alcohol Prevention Committee in Kangirsuk and the region of Nunavik. She was also the Chairperson for N.A.D.A.P. Lolly has three goals for the Justice Task Force; 1) Inuit would not have to go south to serve their prison sentences; 2) Inuit will create their own court system, and 3) Inuit can tailor laws on drugs and alcohol to suit their communities.

MEMBER



Christina Baron

Christina is a person of Inuit traditions. From early childhood she has learnt the traditional skills of building shelters from trees and peat, tent making as well as travelling by dog team while hunting with her father. More recently Christina has been active in her community of Kangisualuuaq. She is involved with the health and education committees as well as the Coop as a Director and Council Member of the Municipal Corporation. In 1989 Christina became the Regional Councillor for K.R.G. This community leadership is continuing with her active involvement with the Justice Task Force.

MEMBER



Peter Matte

Peter has been a Regional Councillor of the Kativik Government as well as the Kativik Regional Development Council. He has also been the Mayor of Akulivik. It is with this experience and community involvement that he hopes to make the Justice Task Force a success.

MEMBER



Simiunie Sivaupik

Simiunie has a history of being a leader within his community of Povungnituk. Educated at the Laval University in political science, he has been involved in the political scene of Nunavik for many years. In the early days of the J.B.N.Q. Agreement he became the President of the Community Council and took an active role in the negotiation process. He was also instrumental in establishing the two regional hospitals in Nunavik. Presently he is an entrepreneur operating a fish smoking plant in Povungnituk as well as being a Community Councillor and an Executive Councillor of the K.R.G.

MEMBER



Taamusi Qurnaq

Taamusi is an individual with a wealth of experience and knowledge. Throughout his life he has strived to share this with his fellow people. His most recent achievement has been the publication of an Inuktitut dictionary, *Inuit Uqausillaringit*. In honour of his work he has been awarded the Order of Quebec in 1989, as well as the Northern Science Award in 1991.

METHODOLOGY OF TASK FORCE:

- 1 *Conducting of research with respect to past and current systems of administration of justice in northern Québec*

As necessary, staff members and outside consultants are used by the Task Force for research into past and current systems of the administration of justice for the region. Models from other jurisdictions including Greenland and the United States are examined with a view to explaining their relevance and possible applicability to northern Québec. A substantial amount of this research is directed towards preparation of information documents for the population of northern Québec. Research is conducted in those areas or subject-matters decided upon by the Task Force and includes minimally those subject matters listed below.

- 2 *Distribution of educative materials (both oral and written)*

Preceding any of the consultation trips, certain information concerning the nature of the Task Force, its work and its mandate as well as information on past and present systems of justice in the north (and elsewhere such as Greenland and Alaska) will be made available on a timely basis to the Inuit communities in translated form. That is, the communities will have some information concerning the issues to be discussed by the Task Force prior to the actual consultation trips of the Task Force to the communities.

Questionnaires prepared by the Task Force for the purpose of the consultation trips are distributed to the communities both prior and during the consultation trips. These questionnaires set forth a series of questions which the Task Force is asking the population during consultation trips to the various communities.

The Task Force also uses the medium of the local FM stations to stimulate discussion concerning the relevant issues.

The Task Force has prepared a 28 minute video explaining the work and mandates of the Task Force which is to be shown on northern television and made available for community use.

The Task Force also uses, as necessary, other media including I.B.C. and Makivik News to provide information to the communities and to solicit opinions from them in regard to the matters under discussion.

- 3 *Consultation trips to the communities including meetings and workshops*

The Task Force members design the exact format of presentation and consultation they choose to use in each consultation trip with each particular community.

Consultation trips involve travel by the Task Force and its staff to all Inuit communities in northern Québec.

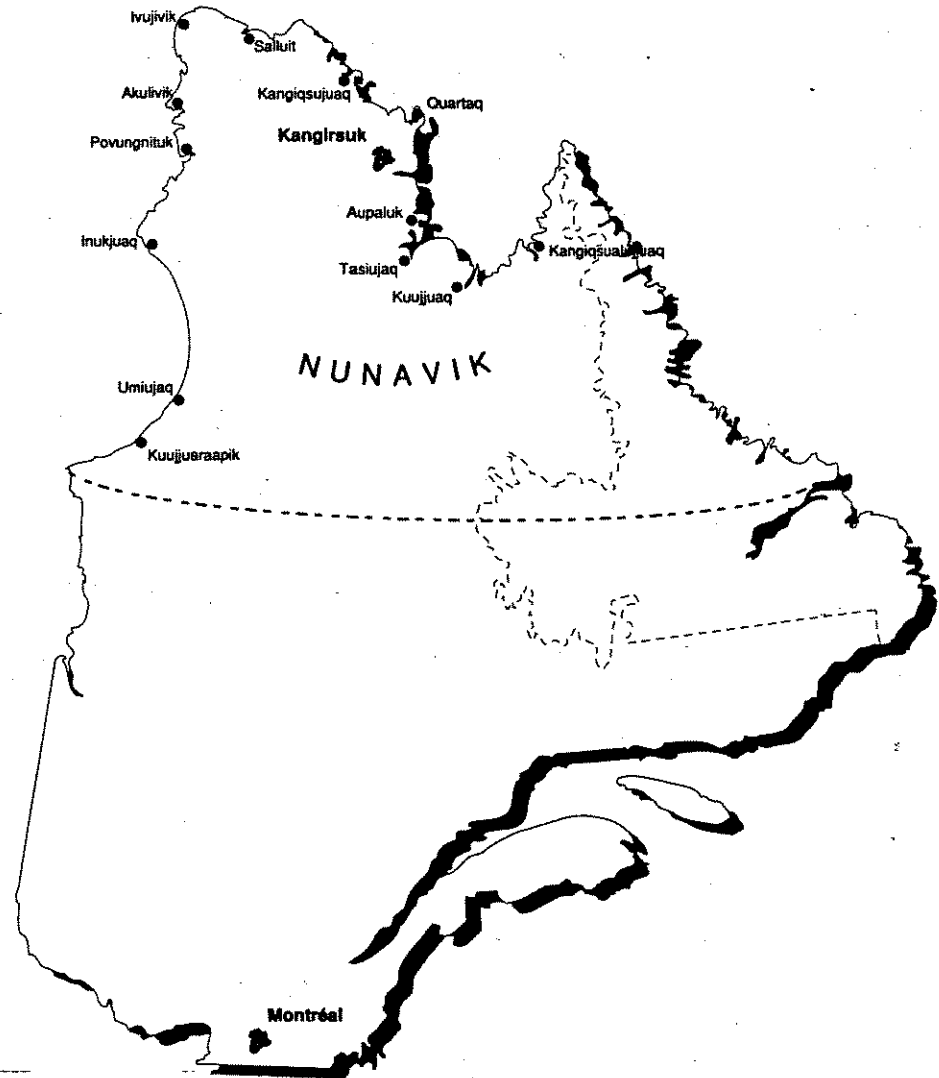
Consultation trips involve presentation of consultation document packages as well as oral sessions.

Task Force members may choose to meet separately with the Municipal Council elders and Landholding Corporations of each community.

LOCATION AND MEETINGS

LOCATION AND MEETINGS OF TASK FORCE:

The Task Force is based in the Makivik offices in Kangirsuk and Montreal. Meetings of the Task Force will take place minimally once a month and, if necessary, more frequently, as deemed necessary by the Task Force.



RESEARCH AND EDUCATION PROGRAM:

For the purpose of conducting research on the administration of justice in northern Québec, the Task Force may use various existing staff of the Kativik Regional Government and Makivik, as required. In addition, the Task Force may engage outside consultants for specific research and other tasks related to the mandate of the Task Force.

**SUBJECT-
MATTERS AND
FOCUS**

**SUBJECT-MATTERS AND FOCUS OF THE TASK
FORCE:**

- 1** *Historical analysis of Inuit justice in northern Québec*
 - (A) CRIMINAL MATTERS:
 - What constituted "crimes" in northern Québec amongst Inuit traditionally?
 - What were not considered "crimes" but may be considered crimes today?
 - How are "crimes" dealt with?
 - Was there the equivalent of legal counsel?
 - Was there the equivalent of hearings?
 - Were there any rule procedures and knowledge to the rules of natural justice today?
 - What sanctions were applied, if any?
 - (B) CIVIL MATTERS:
 - Conflict resolution procedures and customs.
- 2** *Examination of the current justice system both civil and criminal systems*
- 3** *Accessibility of information regarding the justice system*
 - Accessibility of general information concerning the administration of justice and how the system works.
 - Accessibility of specific information with respect to particular files in which a citizen may be involved.
- 4** *Question of the role and applicability of the Canadian and Québec Charters of Rights and Freedoms with respect to application of community justice systems in northern Québec*
 - Are the Charters reconcilable with Inuit traditional and customary law matters and to Inuit community justice systems if developed?
 - Should there be an additional separate and distinct Inuit Charter of Rights including justice provisions for northern Québec?
- 5** *Need for balancing of collective rights and individual rights in the laws and administration of justice in Nunavik*
- 6** *Civil law problems and needs in the region*
 - Registry for acts of civil status.
 - Adoption matters.
 - Lack of legal resources
 - Need for legal aid in civil matters as well as in criminal matters.
 - Lack of accessibility to a Superior Court in the region.
- 7** *Administration law problems*
 - Absence of regional sittings of any provincial or federal administrative boards and tribunals.

8 *Policing*

- Problems related to the present policing systems.
- Traditional forms of enforcement.
- Preventive measures.

9 *Court system*

- Role of legal counsel.
- Problems of the existing court systems.
- The role of the prosecutor.
- The role of the police.
- The role of the judge.
- Translation and interpretation problems.
- Inuit perception of the judge, prosecutor and police in the context of the court system.

10 *Sentencing*

- Sanctions and whether they are too harsh or too light?
- Inuit perceptions of present sentencing techniques.
- Alternative forms of sentencing techniques.
- Availability or lack of information through social services in sentencing matters.

11 *Probation, parole and post-incarceration services*

- Inuit perceptions of probation, parole and post-incarceration services.
- Recidivism rates.

12 *Correctional services*

- Current perceptions of Inuit of the correctional services available.
- Lack of family contact in present correctional services.
- Language difficulties.
- Question of whether there are any gains from incarceration for various offences of Inuit?
- An examination of the specific needs of the region with respect to correctional services and facilities.
- Traditional forms of correctional services amongst the Inuit.

13 *Substantive law and the role of customary law*

- Inuit customary laws and traditions.
- Impact of proposed criminal code and other legislative amendments on the administration of justice in northern Québec.

14 *Preventive measures regarding criminal matters*

- Role of alcohol and drug abuse programs.
- Diversionary methods and techniques during pre-trial period.
- Educative programs on justice system (ignorance should not result in offence).

CONSULTATION

CONSULTATION PROCESS:

There will have to be a minimum of two consultation processes held in the region if the Task Force is to effectively and properly undertake its mandate. These consultations are the following:

1. **COMMUNITY CONSULTATION:** to hold consultations within the communities of Nunavik
2. **FOLLOW-UP CONSULTATION:** to present the results of the community consultations to the communities and secure some feedback.

1 *Community Consultation Process*

- This will involve travel by the Task Force and its staff to all the communities.
- This will involve the use of community meetings and talk shows on the FM stations in the communities.
- This will involve the distribution of information packages regarding past and current justice systems in northern Québec and these materials will be distributed in both English and Inuktitut.
- Duration of this process for travelling and consultation in the communities is approximately six months.

2 *Follow-up Consultation:*

- Depending on funding available, this will involve a brief trip to each community to present the results of the work of the Task Force, namely, the findings of the "community" consultations.
- Duration of this process will be approximately two weeks.

MATERIALS

PREPARATION OF MATERIALS:

- Preparation of materials will be based on the research and analysis undertaken by the Task Force and its staff.
- Duration of preparation of materials will be a minimum of five (5) to six (6) months employing both staff and consultants.

COMMITTEES

PARTICIPATION IN OTHER COMMITTEES:

The Task Force participates in the existing Québec and Canada justice committees. In this way, the Task Force constitutes the Native party in the Québec and Canada justice committees.

The work of the Québec and Canada justice committees is coordinated with that of the Task Force. In addition, the Task Force acts as advisor on justice issues of the self-government Nunavik Constitutional Committee.

WORK STAGES

STAGES OF WORK OF THE TASK FORCE:

The following highlights the main stages of the work of the Task Force:

- 1 Research and analysis
- 2 Preparation of culturally appropriate questionnaires for the consultation processes
- 3 Preparation of overall consultation materials
- 4 Undertaking of the two consultation processes (preliminary and actual)
- 5 Ongoing liaison with existing federal provincial working groups on justice and other related justice bodies
- 6 Preparation of a report containing recommendations of the Task Force



ANNEX "16"

**List of Proposed Research Topics with respect to
Administration of Justice Issues in Northern Québec**

1- Data Analysis

- (a) Analysis of criminal cases over the last 10 years in northern Québec (north of the 55th parallel) and their disposition;
- (b) Analysis of rates of recidivism in northern Québec (north of the 55th parallel);
- (c) Analysis of rates of crime and patterns of criminality in northern Québec communities as measured by statistics produced by Justice agencies and as perceived by Inuit leaders and residents of the region.

2- Inuit Customs and Traditions

- (a) Research and analysis of Inuit customs, traditions and traditionally modes of dispute resolution in northern Québec (north of the 55th parallel);
- (b) Research and analysis with respect to traditional Inuit forms of punishment, incarceration and detention.

3- Research and analysis of constitutional issues related to the incorporation of customary law and practices of Inuit into current Canadian legal system and constitutionally valid methods for resolving any conflicts between the systems which may arise as a result thereof (constitutional issues related to procedure and to substantive laws).

4- Research and analysis of the relationship of recreational, economic and employment opportunities at the community level in northern Québec with levels of criminal activity, with particular reference to young offenders.

5- Research and analysis with respect to how those involved in the administration of justice in northern Québec and communities leaders and residents of northern Québec have viewed the current system for the administration of justice and justice programs in that region.

- 6 - Research and analysis of current perceptions of Inuit of northern Québec with respect to:
- nature and extent of crime in northern Québec communities;
 - role of alcohol and drugs in crime in northern Québec communities;
 - individuals involved in the delivery of justice services in the communities;
 - factors which they associate with patterns and types of criminal activity in the communities and the factors that distinguish high and low crime communities in northern Québec;
 - perceptions as to the efficacy and relevance of criminal justice services and programs;
 - community views of "aboriginalized" justice structures and systems, including Inuit Special Constables; Inuit court workers; Inuit social workers; and Inuit Justice of the Peace programs.
 - potential for the development of alternative, community-based justice services and programs and the extent of their participation in any such programs which do exist.
- 7 - Research and analysis of comparative models for administration of justice currently in use in other northern jurisdictions including Greenland, Alaska, N.W.T., Ontario, Saskatchewan, and the potential for application or modification of these models for use in northern Québec (any proposals currently under study by Québec should also be included).
- 8 - Research, summarize and analyze all recommendations with respect to administration of justice issues for aboriginal peoples and northern regions based on Task Force studies and other studies over the last 15 years and their possible applicability to northern Québec.
- 9 - Research and analysis of post-incarceration facilities and resources available to northern Québec Inuit, whether in the north or in the south with recommendations for necessary changes in this regard.
- 10 - Research and analysis of potential alternative, community-based justice programs and services for northern Québec communities (courts; alternative dispute resolution mechanisms; detention facilities) and how such structures and systems could interface with existing justice delivery systems for northern Québec.

ANNEX "17"

Gouvernement du Québec
Ministère du Conseil exécutif
Secrétariat aux affaires autochtones

Gouvernement du Québec
Ministère de la Sécurité publique
Bureau du sous-ministre

L'ABUS DES DROGUES ET DE L'ALCOOL
CHEZ LES CRIS, LES INUIT ET LES NASKAPIS

Rapport
du comité interministériel
sur l'abus des drogues et de l'alcool

Ministères et organismes participants:
Affaires culturelles
Affaires municipales
Communications
Education
Enseignement supérieur et Science
Justice
Main-d'Oeuvre et Sécurité du revenu
Santé et des Services sociaux
Secrétariat aux affaires autochtones
Sécurité publique
Sûreté du Québec

Québec, le 25 janvier 1989

7. RECOMMANDATIONS

Les principes d'action énoncés précédemment nous permettent une formulation des recommandations du comité qui rejoignent certains éléments de la problématique qu'il est de l'intention du comité d'indiquer au fur et à mesure.

7.1 Information et sensibilisation des conseils locaux et régionaux

Considérant qu'il a été jugé nécessaire et urgent d'assurer la participation des élus autochtones dans la recherche de solutions aux problèmes de l'abus des drogues et de l'alcool;

Le comité recommande:

- a) Une mission d'information et de sensibilisation qui serait composée de représentants du ministère de la Santé et des Services sociaux, de celui de la Sécurité publique, de celui de l'Education et de celui de la Justice; cette mission se rendrait auprès des maires des villages nordiques, des chefs des bandes crie et naskapie et des présidents des organismes scolaires et régionaux pour
- les informer des résultats des travaux du comité interministériel et mettre l'accent sur l'ampleur du problème et de ses effets négatifs sur la vie familiale et communautaire;
- rechercher leur collaboration et stimuler leurs actions dans le domaine de la lutte à l'abus des drogues et de l'alcool à titre de leaders politiques de leur communauté et de membres des nations autochtones qu'ils représentent.

Cette mission pourrait être menée sous l'égide du Secrétariat aux affaires autochtones.

7.2 Concertation au niveau des comités locaux de santé et de services sociaux

Considérant l'importance d'impliquer les ressources locales dans la recherche de solution;

Considérant la nécessité de développer une approche communautaire cohérente face aux problèmes reliés à l'alcool et aux drogues;

Le comité recommande:

- a) Une participation plus forte des comités locaux de santé déjà présents dans les communautés criées, inuit et naskapie dans la lutte aux abus de l'alcool et des drogues;
- b) La reconnaissance du rôle privilégié de ces comités en matière de lutte par un mandat explicite des conseils de bandes ou de villages qui les associeraient avec les intervenants locaux concernés par cette problématique (travailleurs communautaires, policiers, infirmières, maire ou chef, conseillers, représentants en santé communautaires, responsable du programme fédéral de lutte à l'alcool et aux drogues chez les autochtones (PLAADA), etc.) en vue de développer une stratégie locale pour lutter contre l'abus des drogues et de l'alcool.

7.3 Développement concerté de programmes d'information et de lutte contre l'abus de l'alcool et des drogues

Considérant le manque de concertation existant au sein des organismes en ce qui a trait à l'information et la prévention relativement à l'abus des drogues et de l'alcool;

Le comité recommande:

- a) Le développement concerté de programmes de prévention et d'information relativement à l'abus de l'alcool et des drogues par les différents organismes gouvernementaux et autochtones concernés.

7.4 Aides aux familles aux prises avec des problèmes d'abus

Considérant le nombre alarmant de familles autochtones confrontées à de sérieux problèmes reliés à l'abus des drogues et de l'alcool;

Le comité recommande:

- a) Le développement de programmes destinés à être offerts par les établissements de santé et de services sociaux et spécifiquement adaptés à venir en aide aux parents et aux jeunes des familles autochtones ayant des problèmes d'abus des drogues et de l'alcool.

7.5 Aide et formation en milieu scolaire

Considérant que la toxicomanie chez les jeunes est en progression constante et a atteint des proportions alarmantes;

Considérant que le milieu scolaire est un milieu propice à la diffusion d'information;

Considérant que les clientèles scolaires constituent les cibles de plusieurs intervenants des réseaux de l'éducation, de la santé et des services sociaux ainsi que des corps policiers;

Considérant que certains organismes ont développé des programmes de prévention sans toutefois atteindre les buts fixés;

Le comité recommande:

- a) L'adoption par les commissions scolaires de mesures préventives et de moyens d'information relatifs à la consommation des drogues et de l'alcool pouvant être utilisés dans le cadre de l'enseignement et des services complémentaires aux étudiants pour les ordres d'enseignement primaire et secondaire, aux jeunes et aux adultes;
- b) La mise sur pied de comités de coordination composés des différents intervenants en milieu scolaire et dont le rôle serait d'assurer la cohésion, la complémentarité, le suivi et l'évaluation des programmes, du matériel et des mesures adoptées pour contrer la consommation des drogues et de l'alcool;
- c) La sensibilisation des comités locaux de parents ou d'école aux conséquences de l'usage de l'alcool et des drogues sur le cheminement scolaire des jeunes et leur implication en tant qu'adultes dans la recherche de moyens efficaces pour solutionner le problème de consommation des drogues et de l'alcool.

7.6 Formation des intervenants sociaux et des policiers

Considérant l'urgence de rehausser le niveau de la compétence professionnelle du personnel autochtone appelé à intervenir dans le cadre des programmes sociaux et des services policiers;

Le comité recommande:

- a) La mise sur pied, à court terme, d'un programme collégial de formation en service social adapté au milieu nordique pour les intervenants autochtones;
- b) L'amélioration de la formation des constables autochtones en matière d'infractions relatives aux drogues et à l'alcool en vue d'une application plus soutenue des lois.

7.7 Organisation d'activités locales de loisirs et de culture

Considérant que plusieurs communautés rapportent l'absence d'activités récréatives et culturelles organisées pour les jeunes;

Le comité recommande:

- a) La mise sur pied, à court terme et pour les jeunes, d'activités reliées aux loisirs ou à la culture par les conseils de bandes et ceux de villages nordiques en recourant aux programmes gouvernementaux existants;
- b) L'évaluation immédiate de l'impact du nouvel aréna d'Inukjuak sur le comportement des jeunes afin de connaître de façon objective le bien-fondé de la construction de tel équipement pour améliorer une situation problématique;
- c) L'évaluation ultérieure des besoins d'infrastructures de loisir et d'équipements culturels (maisons de la transmission de la culture) dans chacune des communautés touchées par le problème: elle serait effectuée par les conseils des bandes crie et naskapie et ceux des villages nordiques en collaboration avec le ministère des Affaires municipales, celui des Affaires culturelles et de celui du Loisir, de la Chasse et de la Pêche.

7.8 Rôle du programme fédéral de lutte aux abus de l'alcool et des drogues chez les autochtones (PLAADA)

Considérant que le programme fédéral connu sous le nom de PLAADA constitue pour tous les organismes en milieu nordique l'élément préventif presque exclusif de lutte à l'abus des drogues et de l'alcool dans les communautés autochtones;

Considérant que ce programme dispose de ressources financières appréciables pour réaliser ses objectifs;

Considérant l'insatisfaction manifestée à son endroit par de nombreux organismes consultés;

Considérant l'insuffisance de concertation entre les ministères provinciaux et fédéraux dans l'élaboration de programme et la livraison des services concernés dans les communautés nordiques;

Le comité recommande:

- a) La transmission aux autorités fédérales responsables de l'application du programme PLAADA dans les communautés autochtones des résultats des travaux du comité interministériel et leur invitation à réfléchir sur leur façon d'appliquer localement le programme;
- b) La négociation par les intéressés (Cris, Inuit et Naskapis) avec Santé et Bien-Être Canada d'un budget de formation des intervenants du programme fédéral PLAADA et l'obligation pour ces intervenants de suivre les sessions de formation jugées pertinentes;
- c) La mise sur pied de mécanismes permanents de consultation entre le ministère de la Santé et des Services sociaux et Santé et Bien-Être Canada pour analyser le contenu du programme fédéral de lutte aux abus de l'alcool et des drogues chez les autochtones (PLAADA), les objectifs visés par ce programme et les moyens envisagés en territoire nordique dans le cadre de ce programme, et ce, en vue de développer une approche complémentaire et cohérente dans la dispensation des services locaux.

7.9 Amélioration des services correctionnels

Considérant qu'on se plaint du fonctionnement du système pénal;

Considérant qu'on juge peu efficace le fait d'envoyer les détenus dans les prisons du sud;

Considérant que les programmes d'information sur l'alcool et les drogues destinés aux détenus sont peu efficaces en ce qui concerne les autochtones;

Le comité recommande:

- a) L'évaluation du besoin et de l'impact d'une prison dans les milieux cri et inuit;
- b) La mise à la disposition des autochtones incarcérés d'un programme visant à corriger leurs habitudes d'abuser de l'alcool ou des drogues.

7.10 Application plus soutenue et plus efficace des lois

Considérant que les lois ayant trait à l'alcool et aux drogues sont en général complexes et mal connues des policiers;

Considérant que les constables autochtones n'ont qu'une expérience pratique limitée dans l'application des lois sur l'alcool, les drogues et les narcotiques;

Considérant que les organismes autochtones consultés souhaitent une augmentation de la répression des conduites illicites dans les domaines des drogues;

Le comité recommande:

- a) L'assignation en permanence d'un membre de l'unité régionale des moeurs du district d'Abitibi-Témiscamingue et du Nouveau-Québec en vue d'identifier les contrevenants aux lois sur l'alcool, les drogues et les stupéfiants, de leur intenter des poursuites, de démanteler les réseaux existants, de mener des opérations à l'intérieur ou à l'extérieur des territoires nordiques, d'assister le personnel des postes, de coordonner les efforts et d'assurer une efficacité;
- b) La mise à la disposition du personnel du Nouveau-Québec d'un chien pisteur pour l'assister régulièrement dans sa lutte au commerce et au transport illicites des drogues et stupéfiants.

7.11 Amélioration du fonctionnement des tribunaux

Considérant le peu d'efficacité qu'on reproche aux systèmes judiciaire;

Considérant que des négociations ont cours entre les Inuit et les Cris et le ministère de la Justice en vue d'établir des mécanismes judiciaires plus efficaces;

Le comité recommande:

- a) Le développement de mécanismes judiciaires où interviendraient les autochtones et qui leur permettraient de participer au jugement de leurs pairs;
- b) Le développement de mécanismes qui permettraient aux communautés d'exposer devant le juge, avant sentence, leur point de vue sur la personnalité de l'accusé et sur des moyens de correction qui lui apparaissent appropriés;
- c) L'incitation des autorités judiciaires à appliquer la restitution aux victimes d'actes criminels commis sous l'effet de l'alcool ou des drogues.

7.12 Sélection et vigilance vis-à-vis des travailleurs non autochtones

Considérant que les travailleurs et les voyageurs non autochtones ont été mentionnés comme possibles pourvoyeurs des drogues et de l'alcool;

Le comité recommande:

- a) Une plus grande vigilance des organismes gouvernementaux, locaux et régionaux dans la sélection du personnel non autochtone qu'ils embauchent;
- b) Une meilleure information et sensibilisation des contracteurs quant à la possible implication de leurs employés dans des trafics illégaux et quant aux conséquences de leurs actes sur les sociétés autochtones;
- ... c) La rédaction et la diffusion d'un code d'éthique destiné aux entrepreneurs et aux travailleurs nordiques et axé sur la lutte à l'abus des drogues et de l'alcool dans les communautés nordiques.

7.13 La préparation des budgets des organismes autochtones

Considérant que plusieurs solutions proposées par le milieu relève du processus budgétaire soit qu'elles visent l'amélioration de services déjà fournis ou l'addition de nouveaux volets à de tels service;

Considérant qu'il est très difficile pour le comité de les évaluer dans le contexte de ses opérations;

Le comité recommande:

- a) L'octroi d'une priorité aux activités nouvelles ou aux projets de développement soumis dans le cadre du processus budgétaire annuel par les organismes locaux ou régionaux du Nord pour diminuer les problèmes touchant les drogues et l'alcool dans les communautés.

7.14 Centre de traitement inuit

Considérant l'impact considérable que peut avoir la mise sur pied d'un centre de traitement dans un milieu au niveau de la prise en charge du problème;

Le comité recommande:

- a) L'implantation d'un centre de traitement pour alcooliques et toxicomanes en territoire inuit comme il en existe un peu partout au Canada dans le cadre du programme fédéral de lutte à l'alcool et aux drogues chez les autochtones (PLAADA).

7.15 Réglementation de la vente de l'alcool dans les villages nordiques

Considérant que des pourparlers sont actuellement en cours entre le ministère des Affaires municipales et l'Administration régionale Kativik relativement à la mise sur pied de centres de vente contrôlés par les villages nordiques;

Considérant que des demandes ont été adressées au ministère des Affaires municipales à l'effet de renforcer les pouvoirs de réglementation locaux dans le domaine de l'alcool dans les villages nordiques;

Considérant que l'application des règlements locaux dans le domaine de l'alcool est problématique;

Le comité recommande:

- a) La poursuite des négociations entre le ministère des Affaires municipales et l'Administration régionale Kativik en collaboration avec la Société des alcools et les autres organismes concernés relativement à l'établissement de monopoles de ventes des alcools dans les villages nordiques;
- b) L'octroi aux Inuit de pouvoirs aussi étendus dans le domaine des alcools que ceux déjà accordés aux autres autochtones en vertu de la Loi sur les Indiens;
- c) Les ressources policières nécessaires pour assurer le respect des règlements locaux;
- d) Le développement des mécanismes et des ressources judiciaires nécessaires pour juger les accusés en vertu des règlements locaux.

7.16 Situation particulière des Naskapis de Kawawachikamach et des Cris de Waswanipi, Chisasibi et Mistassini

Considérant les problèmes particuliers que vivent les communautés naskapie de Kawawachikamach et crics de Waswanipi, Chisasibi et Mistassini;

Le comité recommande:

- a) L'émission d'un sévère avertissement par la Régie des alcools du Québec aux hôteliers et épiciers directement concernés par la vente de boissons aux mineurs autochtones;
- b) Un suivi régulier de la part des services de police concernés pour assurer une situation acceptable aux conseils de bande en cause.

ANNEX "18"

Regional Service Organization Plan in Mental Health

DRAFT



1991

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*Kativik Regional Council for Health and Social Services
Conseil régional Kativik de la Santé et des Services Sociaux*

Regional Service Organization Plan in Mental Health



1991

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*Kativik Regional Council for Health and Social Services
Conseil régional Kativik de la Santé et des Services Sociaux*

REGIONAL SERVICE ORGANIZATION PLAN

PREAMBLE

In January 1989, a new Mental Health Policy became effective for the people of the province of Québec. This new policy, as introduced in 1989, by Madame Thérèse Lavoie-Roux, Minister of Health and Social Services, allows for an innovative approach to the development and delivery of mental health services. The primary framework of this new policy calls for placing an emphasis on meeting the needs of individuals in the actual delivery of services, and combining the recognition of individuals' needs with a global approach to addressing the mental health needs of the population at large. As the new policy also calls for a community partnership in addressing these needs, as well as a partnership between local, regional and central levels of involvement, there is an inherent implication of a stronger community base of needs assessment and service development linked with regional and provincial involvement.

It is in response to the establishment of the new mental health policy that the Kativik Regional Council of Health and Social Services took the decision to begin the process of envisioning and developing services which could address the mental health needs of the people of the Kativik Region in a manner which is relevant to the unique status of this region. It was felt by the administration of the Kativik Regional Council of Health and Social Services and its Regional Council that this new policy provided an opportunity to develop services based on the true needs of the population and with the increased flexibility needed to truly respond to the cultural context of its Inuit people.

This is a highly significant work for the peoples of the Kativik Region. Mental health services as a developed system of services have never existed in the region. Traditional helpers are still present in the region, but are affected by the same acculturation stress which has so clearly affected the very foundation of the well-being of the Inuit people. There is a great need for mental health services that can address the dramatic increase of psycho-social problems which exist in the communities of the Kativik Region. At the same time, there is just as great a need to address these issues in a way that is relevant to the people who hope to benefit from these services.

It is in light of the awareness of these needs that each step was taken in the process of the development of the present Kativik Regional Services Organization Plan. The framework for the ongoing work was focused on the goals of the Regional Council to directly involve the people in the communities in reflecting the conceptualization and current status of the well-being of the Inuit people, as well as in assessing priorities for service development, through all phases of recommendation, implementation and evaluation of mental health services.

The body of the results of this endeavor originates primarily from the in-depth consultation process of a one-year needs assessment and the work of the Regional Tripartite Committee in reviewing the results of the needs assessment and developing recommendations for the regional services.

This committee will maintain an ongoing advisory function to the Kativik Regional Council of Health and Social Services; it will additionally serve an advisory role in the yearly evaluation of the proposed services, as well as the advisory body that will develop future modifications and additional development which will be phased in through the structure of yearly service organization plans.

This committee has shown a great deal of commitment in addressing their tasks as well as responsibility to the impact of introducing mental health services to this region. The Kativik Regional Council of Health and Social Services would like to acknowledge the contributions this

i

committee has and made will make to create mental health services that are intended to be relevant and meaningful to the peoples of the Kativik Region. An acknowledgement of appreciation goes to the following members of the now named Isumannaanirmut Katimajiit ("Committee for the peace of mind"):

- Jean Gratton, Ungava Social Services
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TABLE OF CONTENTS

INTRODUCTION.....	1
CHAPTER 1. <u>CURRENT REGIONAL STATUS IN RELATION TO MENTAL HEALTH</u>.....	3
1.1 Geographic and Demographic Context	3
1.2 Cultural Context	4
1.3 Conceptualization of Mental Health.....	5
CHAPTER 2. <u>REGIONAL GOALS AND ORIENTATION IN MENTAL HEALTH</u>.....	7
2.1 Foundation of Orientation as Mandated by the Mental Health Policy.....	7
2.2 Specific Goals and Orientation of the Mental Health Policy in Relation to the Regional Context	8
2.2.1 Focus on the Individual.....	8
2.2.2 Enhancing the Quality of Services.....	8
2.2.3 Achieving Equity.....	9
2.2.4 Solutions in the Living Environment	9
2.2.5 Enhancement of Partnership	10
CHAPTER 3. <u>FRAMEWORK UTILIZED IN DEVELOPMENT OF KATIVIK REGIONAL SERVICE ORGANIZATION PLAN</u>.....	11
3.1 Step I: Regional Mental Health Needs Assessment	11
3.1.1 Orientation of the Needs Assessment	11
3.1.2 Objectives of the needs assessment.....	12
3.1.3 Method Utilized.....	13
3.1.4 Results of the Needs Assessment.....	15
3.2 Step II. Development of the Regional Tripartite Committee.....	27
3.3 Step III. Development of the Regional Service Organization Plan.....	28
3.3.1 Primary orientation of the Regional Service Organization Plan	29
3.3.2 Primary objectives of the Regional Service Organization Plan.....	29
3.3.3 Structure of the Regional Service Organization Plan.....	30

CHAPTER 4	<u>SYSTEM FOR DISTRIBUTING MENTAL HEALTH SERVICES</u>	32
4.1	Intervention Philosophy and Range of Services to be Consolidated or Developed	32
4.2	Definition of Services and Priority Measures	35
4.2.1	Information, Promotion, Prevention and Basic Services	35
4.2.2	Specialized Services	43
4.2.3	Support Services for Families	51
4.2.4	Rehabilitation and Social Reintegration Services	53
4.2.5	Promotion, Respect and Protection of Rights	54
4.2.6	Specific Problems and Priorities	56
4.3	Mechanisms for coordinating and assessing services: Individualized Services Plan, Local Health Committees, Regional Orientation-Admissions System and the Regional Mental Health Committee	68
4.3.1	Individualized Services Plan	68
4.3.2	Local Health Committees	71
4.3.3	Regional Orientation-Admissions System	73
4.3.4	Regional Mental Health Committee	75
CHAPTER 5	<u>PLANNING STRATEGY AND RESOURCE NEEDS</u>	77
5.1	Additional Resources: Roles and Responsibilities	77
5.1.1	Mental Health Counsellors in Each Community	77
5.1.2	Mental Health Coordinators	78
5.1.3	Specialized Services	80
5.1.4	Research	81
5.2	Integrating Resources to the Current System	83
5.3	Strategy to Implement Additional Resources and Budget	88
5.3.1	Strategy to Implement Additional Resources	88
5.3.2	Development Budget	89
	References	110
	Bibliography	111
	Appendices	113

INTRODUCTION

Mental health services, as a network of developed services, have never previously existed in the Kativik Region. Therefore, the region's challenges in developing a regional service organization plan are fundamentally different from the challenges faced by other regions in Québec, where there must be an effort to evaluate existing programs of service and re-envision a new focus in the manner in which those services can be developed to meet the needs of the population. The challenge of the Kativik Region is to create the initial vision of orientation and development, within the framework of the new Mental Health Policy, but also with the knowledge that the initial step will set the foundation for future services, as well as the manner in which mental health services will be perceived by its peoples.

The Kativik Regional Council of Health and Social Services is very certain that the manner in which services are introduced into the region determines the underlying potential of acceptance in communities and the potential for effectiveness. This knowledge is based on the historical development of health and human services in the region, with the realization of the existence of significant gaps in understanding and trust in services that have been imported from a non-Inuit system into the local Inuit cultural context. This cultural gap is a daily reality, which the region faces in all sectors. The potential for misunderstanding and non-relevancy when transferring the fruits of the development of one cultural system of services into a very different cultural context is extremely high.

For this reason, the Kativik Regional Council of Health and Social Services, has taken a clear position that the development of new services in the area of mental health should be community-based with a constant effort to involve the people of the communities in the development of services. This position requires a great deal of effort and patience from both cultural perspectives, but nevertheless, presents the only possible solution to creating successful programs. The necessity of basing human services in the communities and localizing the involvement in development of services has been proven time and time again in native communities across Canada, as well as in diverse cultural settings throughout the world.

The awareness of these issues is reflected in the approach that is being taken in the present Regional Service Organization Plan. The first step of this approach was taken in the decision of the Kativik Regional Council of Health and Social Services, with the consensus of the establishments, to conduct a needs assessment that would address the need for mental health services in the region. This assessment integrated a simultaneous assessment of the existing need for the development of services in the areas of home care and intellectual deficiency. The primary purpose of completing an integrated needs assessment was in response to the reality that resources are very limited in the region and the in the development of services needed to integrate them, thus maximizing their potential and the efficiency with which they meet the population's needs.

The Kativik Regional Council of Health and Social Services will continue to promote service development and delivery in a global approach. Ongoing community consultation for needs assessment of in Mental Health, Intellectual Deficiency, and Home Care will continue to be integrated. However, the Regional Service Plan for Mental Health is presented as a separate plan for that of intellectual deficiency and home care. This is due to the scope of the service development in mental health. The Regional Service Organization Plan for Mental Health is designed for a target clientele of the entire Kativik Region's population. The program development for home care and intellectual deficiency highlights a much smaller portion of the population and planning will center on the development of specific services.

The present document is the Regional Service Plan for Mental Health. It will define the Region's goals and objectives in addressing the mental health issues for its peoples, reflect the findings of the needs assessment and present the subsequent plan for the first phase of mental health service development.

1. CURRENT REGIONAL STATUS IN RELATION TO MENTAL HEALTH

1.1 Geographic and Demographic Context

In order to reflect on the status of any issue of human services in the Kativik Region, it is necessary to place those reflections within the framework of the composition and location of the region itself.

The Kativik Region presents a unique challenge to service delivery in that the region covers a vast expanse of land--563,515 square kilometers--or approximately one-third of the land mass of Québec. There are currently fourteen (14) communities located along the coast of the Hudson Bay, Hudson Strait, and Ungava Bay. The only means of transportation into the region and the primary means of transportation between communities is airplane. This is supplemented somewhat by snowmobile travel between communities and limited boat transportation during the related seasons. Distances between settlements range from 105 to 360 kilometers. All services, as well as all forms of communication, are affected by these distances, increasing the complexity and expense to the provision of services than would ever be expected of a population of comparable size in the southern regions.

In 1991, the total population of this vast region is over 7,000 people, 90% of it being Inuit (appendices 1 and 2). The majority of non-native persons in the region are located there for the purpose of providing a service (i.e. they are in the region due to their employment and they stay for an average of one to three years). There are non-native people who have made the region their home and will remain in the region on a long-term basis, but they are a clear minority.

The non-native people live primarily in the central service locations of Kuujjuarapik, Povungnituk, and Kuujuaq. It is important to consider this in the area of mental health as the meeting of the two cultures in this particular combination affects the psycho-social structures of the communities. It is also important to clarify in program planning, as it can be assumed that there will be a small non-native clientele that will require mental health services. However, at the same time, the primary target population is Inuit people and the regional context is clearly an Inuit one.

1.2 Cultural Context

An understanding of the Inuit cultural context is of major significance in addressing the issue of mental health in the Kativik region. At the same time, it must be understood that the Inuit culture has been undergoing dramatic changes in the last 40 years and is continuing to undergo significant changes as it grapples with the strong influence of the non-native cultures and the Inuit peoples' own evolution as their traditional way of life has become radically changed. The well-being of the Inuit people has experienced incredible stress as all aspects of their life have had to be redefined in the recent generations. The psycho-social fabric of the communities, the means of social control, the economic base, the structure of leadership--the social context of Inuit people has experienced significant change at every level.

What this means in terms of the status of the region in relation to mental health, is that there has been a significant increase in the degree of mental health problems that exist and with which the Inuit people must deal in their communities. They are, at the same time, limited in responding to their actual needs, as the Inuit have not only lost most of the traditional system of helping, but they have also lost the strength of the link between generations. Whereas the elders were once able to guide the people in their lives and serve as advisors to the younger generations, they now feel the gap that exists between the reality in which they have grown up and the current reality of the younger generations. The current generation of Inuit people must find solutions to social problems which either never existed in the past generations, or did not exist with such frequency and intensity as they now face.

Inuit resource persons are also faced with the complexity of the reality that as they develop their ability to help their people, they are always balancing two worlds--maintaining an Inuit perspective and learning new skills from outside resource persons who come from an entirely different cultural perspective. This can be a source of difficult challenge to Inuit resource persons in the health and social services system. They must frequently rely on the administrative support, professional advice and/or supervision from resource persons from an outside culture, which in itself is inherently a more dominant culture than their own, and yet be able to relate their work to their own setting.

In developing a regional service organization plan, these cultural dynamics must be addressed with as much clarity and understanding as possible. The Kativik Regional Council of Health and Social Services has taken an approach to mental health services development, which it hopes will provide the flexibility to build services from the base of the communities in order to maintain a relevancy to the people it serves. At the same time, in the development of these services, the Kativik Council itself must rely on human and material resources that lie outside the Inuit culture.

1.3 Conceptualization of Mental Health

As discussed in the Mental Health Policy, there has been a notable absence of consensus on mental health and what are the parameters of definition of this concept, a perspective is defined in the policy, which creates a foundation of understanding on which this policy is based.

"Mental health is clarified as being "three-dimensional", with:

- a biological axis consisting of genetic and physiological components;
- a psycho-developmental axis that stresses affective, cognitive and relational components; and
- a contextual axis dealing with the place of individuals in their environment and their relationship with this environment.

The psycho-developmental axis best characterizes mental health. Thus the mental health of individuals can be appreciated in terms of their ability to make appropriate use of their emotions when they act (affective component), to adjust their behavior to circumstances through reasoning (cognitive component) and to relate meaningfully to their environment (relational component)" (1).

This conceptualization of mental health is holistic in nature and reflects an understanding that is accepted by many peoples; a perspective that is gaining popularity in the western world.

For the Inuit people, the words "mental health" have little meaning. The words themselves are difficult to translate into Inuttitut and when they are translated, a combination to words must be made to cover the equivalent of the words in the non-Inuit understanding.

What has been learned through the current process of introducing the concept of mental health, as defined by this specific program area, is that we can very readily communicate across cultures the issues of emotional and mental well-being. At the same time, the perspective of the way in which the state of "well-being" is felt and envisioned, and the nuances of the state itself, and how it is described, are more difficult to communicate across the cultures.

Throughout the world there is a growing awareness that cross-cultural aspects must be considered in all areas of the psychology of any group of people, or any individual. As the fields of psychology, and therefore mental health, are becoming introduced as a psycho-social system in more and more countries and cultural groups, the nuances of concepts of mental health are slowly being recognized.

In the case of the Inuit people of the Kativik region, the Inuit have mutually understood, identified and addressed delineations of the states of emotional and mental well-being, or mental health. However, there is no articulated "system" of definition, diagnoses, etc., as it is the non-native north American cultures which have specifically created a "system" of mental health, such as the one in existence in Québec. It will take time and growing involvement of the Inuit people themselves to define how their concepts of emotional and mental well-being compare to the non-Inuit concepts; this will clearly be an on-going process in the development of the Kativik Regional Service Organization Plan.

It is quite possible that through time the definition of mental health utilized by the mental health policy will be very similar to that which the Inuit will define for themselves; in fact, during the process we can see many agreed similarities in conceptualization, and the framework of reference of this definition has been used for common discussion very well. At the same time, the Kativik Regional Council of Health and Social Services has taken the position that these reference frameworks will be used with care and flexibility, consistently identifying the framework as one which has been developed in other cultural settings, but which must leave room for the Inuit perspective to change, replace, or create their own framework for use in this field. A first step was taken in this direction when the Regional Tripartite Committee chose to rename itself as "Isumannaanirmut Katimajit" ("committee for the peace of mind").

2. REGIONAL GOALS AND ORIENTATION IN MENTAL HEALTH

Throughout the process of developing a regional mental health service organization plan, it has seemed clear that, although the Kativik region presents a very different cultural context from the rest of the Province of Québec, the objectives and orientation of the Mental Health Policy remain essentially appropriate to the context of the region and reflect primarily the same orientation and objectives that the Kativik Regional Council of Health and Social Services has established for itself in terms of non-ethnic services development.

2.1 Foundation of Orientation as Mandated by the Mental Health Policy

The two goals primary goals of the Mental Health Policy are clearly supportive to the foundation of the orientation and goals of the Kativik Regional Council of Health and Social Services:

I. To enable all individuals whose mental health is disturbed or whose psychological balance may be compromised to obtain services adapted to their needs and attention, and appropriate to their situation.

II. To promote the maintenance and optimal development of the mental health of the population (2).

The differences in goals and orientations will be evident in a general manner in that the Regional Service Organization Plan will consistently reflect the fact that no mental health services have ever been developed within the region. Therefore, there cannot be reflection on the reallocation of services, as services do not exist. This is also true of weaknesses in the service system. Potential weaknesses cannot be considered from the point of view of a mental health service delivery, only from the indications given by difficulties encountered by other sources of service delivery that either exist in the region or have been utilized outside the region.

2.2 Specific Goals and Orientation of the Mental Health Policy In Relation to the Regional Context

As will be expected from the differences that are due to the geographic and cultural context, the differences in goals and orientations will occur in the more specifically defined orientations of the Mental Health Policy's goals:

2.2.1 Focus on the Individual:

The Kativik Regional Council of Health and Social Services has an orientation that is very similar to that which is defined by the Mental Health Policy. This orientation places a priority on taking into consideration the different points of view, lifestyles, decision processes, etc. of the people in providing services and in encouraging participation in the decision-making process of services.

The difference of emphasis which must be considered on a cultural basis is the way in which individuality is perceived, as well as the concepts of "rights of the individual". These are concepts that are woven into the fabric of a culture with different threads of meaning. These concepts in the Inuit culture have different implications in regards to the respect for the rights of individuals to lead their lives free from interference, with value placed simultaneously on the family and the historic survival of the group. This is one of the more blatant examples of how differences in these concepts will be manifested it is obviously much more complex when looked at in depth.

Although the orientation has points of fundamental value to the region, it will have to be defined and adapted to the Inuit perspective in order to be appropriate in actual service delivery.

2.2.2 Enhancing the Quality of Services

As mental health services do not yet exist in the region, the concern of the Kativik Regional Council of Health and Social Services is not to enhance the quality of existing services, but to enhance the potential quality of services. The Kativik Regional Council of Health and Social Services is very cognizant of the problems that exist in the quality of some of the services, which have been developed within the system in other regions. It is also very cognizant of the degree of difficulty that has been met within the Kativik Region by services in other sectors which have been introduced from a structure outside of the region, or which are in the process of trying to develop cultural adaptations.

Therefore, it is an ongoing preoccupation of the Kativik Regional Council of Health and Social Services to be open to innovative strategies which can be of use and of value to the people of the Kativik Region, from the initial steps of development.

2.2.3 Achieving Equity

This orientation has threefold meaning for the region.

First, the Kativik Regional Council of Health and Social Services recognized that at this point the people of the Kativik Region are not experiencing equity in relation to the people of the province at large. The people of the Kativik Region do not have access in their region to what is considered as basic mental health services. This is what the Regional Council hopes to ameliorate with the proposed Regional Service Organization Plan.

Second, the Kativik Regional Council of Health and Social Services recognizes the challenge that will be present in all stages of service planning and development to optimally provide services that address the needs of the population in an equal and consistent manner.

Third, the Kativik Regional Council of Health and Social Services has already begun the process of linking with the other major networks of services in the region in order to address their individual needs as well as the shared issues of mental health, in an effort to establish a link of efforts in meeting the needs of the people which will surface in the various networks.

2.2.4 Solutions In the Living Environment

This orientation reflects clearly the priority orientation of the Kativik Regional Council of Health and Social Services. The Kativik Council strongly supports the perspective that solutions found in the actual living environment should be given priority and support and that recognition must be given to the community's involvement and contribution in solving problems experienced by its individuals.

The promotion of reintegration and maintenance in the community is being clearly requested by the people of the Kativik region, and is being actively addressed by the Kativik Regional Council of Health and Social Services. This applies to the development of the Mental Health Regional

Service Organization Plan. It is also applicable to the Regional Council's commitment to other projects in the system, such as the current project that will address the development of rehabilitation services which will be based in the region. Another current project will address predominant issues related to Social Services in the region and the relationship between the communities and this system.

2.2.5 Enhancement of Partnership

This Mental Health Policy orientation is also very supportive of the orientation that the Kativik Regional Council has identified as a priority.

The Kativik Regional Council of Health and Social Services recognizes the importance of the need to respect the contribution of individuals, organizations, and communities at large in establishing common goals and addressing the issues of mental health in a concerted and shared manner.

This concept of "partnership" involves all layers of the communities and it is one which requires a consistent approach to reflect on the issues, to maintain an openness in communication and a development of a "sense of community" in building awareness, shared understanding, and common goals.

For this reason the Kativik Regional Council of Health and Social Services has placed an emphasis on its attempts to maintain a community-based approach with a component of community development in all phases of the assessment of needs and planning and development of services in mental health. The issue of "community dynamics" is central to this approach.

3. FRAMEWORK UTILIZED IN THE DEVELOPMENT OF THE KATIVIK REGIONAL SERVICE ORGANIZATION PLAN

The Kativik Regional Council of Health and Social Services has followed a progressive three-step process in addressing the initial tasks of program planning and development for the region.

These steps include: 1) the regional needs assessment; 2) the formation of the Regional Tripartite Committee; and 3) the development of the Kativik Regional Service Organization Plan. The following summarizes these steps:

3.1 Step 1: Regional Mental Health Needs Assessment

The mental health needs assessment was completed during the one-year period between November 1989 and November 1990. It was conceptualized as an integrated needs assessment.

Other program needs, specifically the needs for services in home care and intellectual deficiency, were simultaneously addressed. In actuality, due to the scope of what would be considered mental health issues in a global and community-based approach, the need for services in areas that have been delineated as individual program areas, such as family violence, youth in difficulty, the status of women, elderly, sexual abuse and drug and alcohol abuse, were also addressed.

As noted in the Introduction of this document, the program areas of Mental Health, Intellectual Deficiency, and Home Care were integrated in the needs assessment, but are presented in separate regional service plans for service development.

3.1.1 Orientation of the Needs Assessment

A community-based consultative process was adopted for the needs assessment.

This approach was chosen as it reflects the general goals of the Kativik Regional Council of Health and Social Services in developing services in mental health, which are:

1. To build the involvement of the communities in each step of the process.
2. To foster the growth of mutual understanding between local community members and service providers.
3. To strengthen cooperation between existing establishments and organizations.
4. To utilize intervention processes in the needs assessment which allows for a growing awareness of the issues addressed by the population at large.

The Kativik Regional Council of Health and Social Services viewed the process of the needs assessment, itself, as having the effect of an initial step of intervention in the communities; that is, during the needs assessment, an exchange of ideas and information began developing.

3.1.2 Objectives of the Needs Assessment

The Kativik Regional Council of Health and Social Services set the following objectives to be met through the needs assessment:

1. To identify the issues of most immediate and prioritized concern for community members.
2. To clarify the conceptualization of "helping services" for the problems experienced, as expressed by the community people.

3. To identify resources, traditional and local, as well as through organizations, which currently exist for persons seeking help and a say in the way in which the resources are utilized.
4. To identify the readiness and interest of the population for the introduction of a system of mental health services.

3.1.3 Method Utilized

The needs assessment included a limited compilation of available data pertinent to service needs. However, reliance on any data is extremely limited. As institutionalized human services are in the very early developmental phases in the region, very few sources gather and maintain data. In addition, data regarding the use of institutionalized services are somewhat skewed, as the manner in which services are utilized voluntarily and recorded by workers is not an accurate reflection of the reality of the issues. In the event that data had been consistently recorded on issues such as child abuse, suicide attempts, family violence, etc., service establishments are not frequently sought out for crisis, nor chronic, psycho-social problems, and subjects such as sexual abuse are not yet open subjects for discussion in the communities. For these reasons, statistics regarding "consumption of services" is not realistic; at the same time workers in these establishments give fairly consistent estimates of the frequency of problems found in their communities.

As indicated previously in this document, the needs assessment was primarily completed through various forms of consultation. An important part of this consultation process was the individual community consultations which were completed by a team of Kativik Council of Health and Social Services personnel. The team visited four communities for a period of three to five days. During that time, consultations were scheduled in an attempt to meet with as many community members as possible. These consultations specifically included the community municipal and regional leadership, community committees, and organized groups (education, health, youth, alcohol and drug prevention groups, women's groups, etc.), persons working in the health, social services and education systems, as well as the general community at large, through individual discussions, as well as scheduled open public meetings.

This process allowed for the development of a global picture of the needs of a particular community, as well as an assessment of the level of cohesiveness in priorities and the level of commitment to mental health issues that exist on a community level. It was also very productive in developing an interactive foundation in the communities visited, whereby the concepts of mental health could be discussed in clarifying concepts addressed in the mental health systems and the concepts expressed through the Inuit perspective. It was through these consultations that the existing "natural helpers" and persons interested in developing their skills and contributing to program planning began to be identified.

Because of the positive results of these community consultations, the Kativik Regional Council of Health and Social Services plans to continue these consultations, not only for mental health service development, but for other files as well.

In addition to holding individual community consultations, this team of personnel also met with regional groups that represent identified sectors of involvement in the issues of mental health. These meetings included:

- regional mayors' meeting;
- training groups for nurses and interpreters;
- training groups for special education teachers and student counsellors;
- elder's Conference (sponsored by Avataq Cultural Institute);
- Annual General Meeting, Kativik Regional Council of Health and Social Services.

In addition to the team consultations, additional consultations were completed throughout the year by the Mental Health Consultant and the Regional Community Worker. These included interviews and meetings with persons representing various sectors of the region, as well as relevant service providers outside of the region who work with Inuit peoples:

- Individual and institutional service providers in Montréal, Québec, and Ottawa (such as Douglas Hospital, Native Friendship Centres, individual counsellors, etc.).
- Individuals and groups working in the major regional organizations that have a service component: Hospital Centres, Social Services Centres, the Kativik School Board (in the region, as well as at the Dorval headquarters), and the NNADAP program.
- Leadership identified on a community level, as well as within the political system.
- Representatives of the various sectors of the Justice system.
- Individual community members who show an interest and/or involvement in these issues.

This consultation process was considerably thorough in reaching representatives of all sectors of the region which are representative of the community or which are currently involved in aspects of human services. Approximately 400 individuals were introduced to the goals of the needs assessment and the mental health project, with either an opportunity to participate in a group discussion of the issues, or to discuss these issues on an individual basis (see appendix 3).

3.1.4 Results of the Needs Assessment

Data

The results of the needs assessment are as follows in relation to the specific objectives. Again, very little pertinent data is available on a comprehensive basis. It is anticipated that more data will be made available through the completion of the Quebec Health Survey which is being developed for the validation of health objectives in the Kativik region. The lack of data presents itself as a need for an organization plan in mental health.

However, in all cases, interviews with current service providers in the sectors of health, social services, probation, education, and police, along with the information received in general consultations indicate that there is currently a very high estimated rate of psycho-social problems in the area of substance abuse, family violence, sexual abuse, and suicide attempts.

An extensive study completed in the region in 1986 by the National Native Alcohol and Drug Abuse Program indicated that, "there was an overwhelming consensus among the survey respondents that drugs and alcohol are a serious problem in Northern Quebec". This study states that, "more than eight in ten respondents knew someone personally who had gone to jail because of alcohol and drug abuse. More than six in ten know someone who has been charged with a criminal offence as a result of substance abuse. Approximately half the respondents reported knowing someone whose marriage had broken down, whose health had suffered, or who had lost their job .." Respondents in this study indicated clearly that alcohol and drug abuse contributed to a wide range of social problems in their communities, including violence towards women, crime in the communities, physical neglect of children, and employee absenteeism (3).

This level of substance abuse is also reflected in the estimates of the Sûreté du Québec and the figures of the Department of Probation that approximately 90% of all crimes they deal with are alcohol related.

Pauktuutit, the National Inuit Women's Association, recently completed a study entitled, *A Community Perspective on Health Promotion and Substance Abuse* (1990), in which it addressed the community needs in relation to health promotion and substance abuse. The

results of this study reflected community members' perspectives on what issues are considered to be of major concern through their rating of a list of social issues. Of the northern Quebec Inuit

community members' responses, 35.7% of the responses included alcohol abuse as a major concern, 64.3% included drug abuse, 40% indicated suicide, 15.4% included family violence, and 16.7% included child sexual abuse as a major concern (4).

The lower percentage figures of concern for family violence and child sexual abuse very likely reflect the closed aspect of these issues. In general, the recognition and discussion of these problems is just now beginning to be addressed by community members. Workers in health and human service sectors in the region estimate the frequency of these problems to be significantly higher.

In the Pauktutit study's analysis of all responses obtained from Inuit throughout Canada, 89.7% indicated alcohol abuse as "a problem" or "serious problem", 92.5% indicated drug abuse, 82.5% indicated solvent abuse, 77.7% indicated suicide, 89.7% indicated family violence, and 73.6% indicated child sexual abuse. These percentages approximate the level of concern expressed by human service workers in the region.

All of these figures and estimates are further validated by the findings and efforts of other native groups throughout Canada who are dealing with these same problems in their communities. These problems are inextricably linked to social issues such as cultural stress, unemployment, housing shortages, all of which are evident in the Kativik region.

In terms of suicide there is no means to verify the number of attempted suicides in the region, or the number of people who seriously have suicidal thoughts, but it is considered to be quite high. This estimate can be seen at least in relation to the "tip of the iceberg," which is the current rate of deaths by suicide.

The table in appendix 4 shows that the number of suicides in the Kativik region has increased from one year to the next. In 1987, three people in the region committed suicide. They were aged 18, 21 and 22 respectively, and all from the Hudson coast. In 1988, two more suicides were recorded on the Hudson coast; the individuals were aged 35 and 23 respectively. In 1989, the number doubled to five, four of whom were from the Ungava Bay area. The individuals were aged 15, 17, 19, 20 and 35 respectively. Lastly, in 1990, six suicides were officially declared; five were from the Ungava coast, aged 12, 18, 19, 21, 23 and 23 respectively.

The year 1991 was dramatic, especially on the Hudson coast, as illustrated in table 2 of appendix 4. Between January 1 to September 15, 1991, nine suicides were officially declared on the Hudson coast, five of which occurred in Povungnituk. The individuals were aged between 14 and 21 years, the average age being 18 years. On the Ungava Bay coast, 1 suicide was registered between January 1 and October 30, 1991. The person in question was 23 years old.

Suicide attempts are also increasing dramatic, as indicated in table 2 of appendix 4. On the Hudson coast, 30 suicide attempts were recorded over an eight-month period, spanning January

1 to October 19, 1991. Last year alone, 25 attempts were recorded. The communities most affected are Povungnituk (10), Salluit (7), Inukjuak (5), Ivujivik (4). For the same period, six suicide attempts were recorded along the Ungava coast.

The data is supplemented with that gathered by the region's two health centres, based on diagnosis during short-term hospitalization. A summary of the Med-Echo data for the region (appendix 6) indicates that intoxication by medication and other psychotropic drugs is increasing from year to year. In 1987-1988, it accounted for 12.5% of hospitalizations for mental health problems; in 1988-1989, the percentage shot up to 35.4%, and in 1989-1990 it was up to 44.4%.

This means that in 1989-1990, intoxication, which may be considered as a potential suicide attempt, accounts for nearly 50% of all hospitalizations for mental health problems.

Less dramatic, but just as clearly indicative of individual and group struggle is the prevalence of depression indicated in the region. As discussed below in the results of the consultations, depression is one of the most frequently expressed concerns for community members and people working in human service sectors.

Dr. Lawrence Kirmayer, who has provided limited contract psychiatric consultation services to the Hudson Bay Hospital Centre has compiled data indicating that depressive disorders represent the highest percentages of the primary diagnoses categories for the patients he has consulted. Dr. Kirmayer completed 57 consultations between October 1987 and November 1989; 21% were diagnosed with a depressive disorder, the next most prevalent category was schizophrenia, at 12% (5). This data is limited due to his limited consultation time; however, it appears to be indicative of the most frequently diagnosed problems, which would be referred to a psychiatrist due to the severity of the problems manifested.

As indicated in appendix 5, half the patients hospitalized with a psychiatric diagnosis in 1988-1989 were non-psychotic, but suffered from chronic depression, mood disorder and anxiety disorder. The other two patients were diagnosed with forms of schizophrenia.

A look at the Med-Echo data for the past few year shows that the table in appendix 6 gives a rather fair idea of the number of people hospitalized in the region primarily for mental health problems. In 1987-1988, 32 persons in the territory were hospitalized for mental health problems over a total of 276 days of hospitalization. The main diagnoses were: schizophrenia (34.3%), other non-organic psychoses (18.7%), and emotional psychosis (15.6%).

In 1988-1989, 31 persons were hospitalized for mental health problems over a total of 226 days. The main diagnoses were: adaptation problems (25.8%) and schizophrenia (16.1%).

In 1989-1990, 54 persons were hospitalized for mental health problems over a total period of 452 days. The main reasons for hospitalization: schizophrenia (14.8%), intoxication by analgesic (12.9%), intoxication by psychotropic drugs (12.9%), and emotional psychosis (9.2%).

Persons of the 10-39 year age group are considered most at risk for hospitalization for mental health problems. They accounted for more than 80% of hospitalizations in 1987-1988, 87% in 1988-1989 and 70% in 1989-1990. This is the most recent data available to the Kativik Regional Council of Health and Social Services; in a review of the past few years, it is a fairly accurate average of the region's hospitalizations.

Consultations

The points below summarize the findings of the needs assessment in light of the consultation process, in relation to each objective. It is clear that the information obtained through the consultation process supports the available data, as well as the estimates and areas of concern expressed by workers in sectors of human services. The consultation process also allowed for an expression of a fuller range of community issues throughout the region.

Objective #1. To identify the issues of most immediate and prioritized concern for community members

Because of the number of people contacted, as well as the range of sectors reached, and the consistency of the concerns and requests expressed by the people, the Kativik Regional Council of Health and Social Services was able to identify very clearly the issues of primary priority for the region.

The identified issues of priority concern are as follows:

General Mental Health Issues

- Suicide (the concern is expressed in relation to the deaths by suicide as well as suicide attempts)
- Solvent/drug/alcohol abuse (the high levels of substance abuse in general, and solvent abuse among young people)
- Depression (people are concerned about the number of community people who have symptoms of a "deep depression")
- Schizophrenia/mental illness (the concern expressed is in relation to maintaining persons with mental illnesses in the North and out of southern hospital placements, and helping the families and communities understand and cope with mental illness)
- Family problems (several of the issues which concern the community members center around issues of stress in the family setting):
 - dysfunctional couple relationships;
 - problems in parenting;
 - conjugal and family violence;
 - neglected children;
 - problematic adoptions;
 - children with special needs.
- Communication breakdowns (there is a clear feeling that the communication processes have broken down as people feel more stress in their lifestyles and relationships):
 - in families
 - between generations
 - in community life
- Work-related stress (as an example, police and community workers who must deal with problems of their own relatives in their work, who deal with traumatic issues such as violence and suicide within their own small communities, etc.)
- Assessments for persons with severe or chronic problems (a concern expressed by Social Services and Probation, which currently have limited access to assessment services - there is also a problem of cultural relevance in standard assessment processes)
- Youth (a lack of services developed for youth)

- Persons returning to the region from families who were exiled to Resolute Bay and Grise Fiord (problems in adjustment and reintegration into the community)

Intellectual Deficiency Issues

- Children with intellectual deficiency (this was the only population of concern as expressed by the general community and workers in human services at this time, it is likely that as people become more aware of the issue of intellectual deficiency, there will also be a growing awareness of how services could also benefit adults).

This concern is focused on helping parents and other community members learn how to maximize the child's potential and deal with the behavior problems that these children might have developed.

Home Care Issues

- Mentally ill persons (those who need more supervision and supportive services)
- Elders (primarily a request for more developed home care services, alternatives to helping them be more integrated in community activities, in mobility, etc.)
- Handicapped persons (improved home care plans, assessing alternatives that would improve their autonomy, etc.)

Objective #2: To clarify the conceptualization of "helping services" for the problems experienced, as expressed by community people

There is a central theme to the requests for additional resources. There is a strong preference in the communities to invest in their own local resource people, providing them with the training and support needed to be the "helpers". This was reinforced in the consultation process by the native and non-native persons who are already working in related service organizations, in and out of the region. There is a clear recommendation to focus on the training of local Inuit resource persons, with the use of outside human resources needed to provide an adequate degree of support and training kept to a minimum.

The services most frequently requested in the consultations were as follows:

- Counselling (this was by far the most frequently requested service for development; counselling as a process of addressing problems is also very compatible with traditional methods of "talking out" problems).
- "A place to meet and communicate" (i.e. a place to open up communication, get information, receive help, etc.)
- Treatment sources for more severe cases (of addictions, mental distress, etc.)
- Training to helpers
- More helpers with the time and expertise to deal with deeper problems (such as a clinical or "deep" depression, sexual abuse, etc.)
- Specialists for problems such as intellectual deficiency
- "Respite Care" alternatives for persons with a mental illness (a place or alternative ways to maintain these persons in the North, rather than sending them for hospitalization in the South).

Cultural relevancy and services in Inuititut were always incorporated into the visualization of services requested. This is particularly pertinent as many of the people experiencing a great deal of stress do not speak a second language.

Objective #3: To identify resources, through organizations, as well as traditional and local resources, which currently exist for persons seeking help and the way in which those resources are utilized

Review of the resources currently in the region (related to, or having an influence on mental health in the region):

1. On a regional basis the following resources are available:

- **Social Services Centres**
- **Group Home** - Reception Centre for adolescents, based in Kuujuaq, accepting placements from the entire region.
- **Hospital Nursing Stations** - exists as mental health resource primarily in terms of hospitalizations, persons needing medication, and limited psychiatric consultation contracted on a limited basis.
- **Nunalltuqait Ikajuqatigiitut** (regional NNADAP program) - mandated to provide programs in promotion and prevention in relation to substance abuse.
- **Kativik School Board** - develops life-skills materials to be used in the school setting and programs for training and development of positions for student counsellors and special education teachers.
- **Local Women's Groups** - provide various types of supportive services in the communities on a voluntary basis.
- **Pauktuutit** - National Inuit Women's Organization, acts as an advocate on issues of human services, sponsors translation and development of materials, and has special research projects related to Inuit well-being. Their mandate is to foster awareness of the needs of Inuit women and to encourage their participation in issues of social, cultural and economic development.
- **Churches** - Religious organizations play a vital role in the community in providing supportive services.
- **Sûreté du Québec "QPP"** - These persons are listed as resources in human services, as they are frequently called upon to deal with issues of family violence, suicide, etc. As there are so few resources for them to refer to, the police often serve as the primary intervention resource.
- **Local traditional or "natural" helpers.** - These persons are frequently sought out as resource persons due to their natural abilities and/or role in the community. They are "helpers" voluntarily, and are known to the natural community as helpers. The existence and availability of traditional or natural helpers varies from community to community.

2. There are also a few local projects being developed in the region, which will contribute to the issues of well-being and mental health in the communities:

- Regional counselling line and suicide prevention training, a local project initiated by two individual community leaders.
- Youth Camps, in Inukjuak, Kuujuaq, and Kangiqsujuaq. These camps are intended to provide activities for youth, and also to teach the youth traditional Inuit skills.
- Community Centre for Women and Youth (in Kuujuaq), a local initiative of local leadership and the women's groups.

3. In addition to the Kativik Regional Council of Health and Social Services, there are other organizations in the region that have mandates to develop programs and services for youth - the Kativik Regional Government, Makivik Corporation and youth groups. Nunallituqait Ikajuqatigiitut has also made youth a priority in their program development.

4. Southern Resources

- **Douglas Hospital** - The Douglas Hospital remains the primary resource for persons requiring respite care or hospitalization.

- Treatment Centres for Substance Abuse - Various treatment centres have been utilized sporadically for individual referrals for treatment of addictions. The establishments that refer the individuals deal with the referrals on an individual basis.

- Native Friendship Centres and Women's Shelters or Drop-in Centres. These southern resource centres are increasingly sought out, primarily in Montréal, by Inuit people from the region. These programs have been developed by and are targeted for native people, but the resource involvement has been from native people from Indian nations. At the same time, they are seeing the increasing need for Inuit resources as there are clear cultural differences between the native Indian peoples and the native Inuit peoples. The Inuit people who go to these centres are primarily Inuit who have no resources in the South, and most frequently, Inuit women who are coming from an abusive situation in the North.

- Residential Treatment Programs - Throughout the recent years various residential placements have been made in Southern centres on an individual basis, primarily for physically, intellectually, or mentally handicapped individuals. Currently these resources are not often used, nor often available to serve the needs of the individual situations found in the region.

Objective #4: To identify the readiness and interest of the population for the introduction of a system of mental health services

There is a very clear interest and readiness for the development of mental health services in the region. This was expressed in full support, without exception, by all sectors of the community.

A great many people expressed a deep concern for the number of problems that people are experiencing in their communities, without the resources to deal with them. There is a particular feeling of urgency to the concerns regarding the high levels of alcohol and drug abuse, the high frequency of family violence, the increasing evidence of child abuse and neglect, the increasing awareness of sexual abuse and the number of adult survivors of sexual abuse in communities, the increase of marital stress and the uncertainty regarding the role and responsibility of parents, and in the last few years, the increasing rate of suicides.

These are psycho-social problems which affect the very core and social fabric of the communities. Inuit traditional values have always reflected the important role of family ties and cooperation among members of the group to ensure their survival. The present day stresses and changes to the cultural and social fabric have produced consequences for the people for which they are uncertain as to how to deal with in their families and communities.

Natural helpers in the community and traditional counselling and helping methods have always existed in the communities. However, as indicated earlier in this document, these helpers are faced with problems they never had to deal with previously and with a frequency level they never saw in their traditional way of life. It is this gap between the reality of problems people are experiencing and the level of resource skills that people possess to deal with those problems that the community at large wishes to have filled.

It should be noted that throughout the entire year of consultation, not one person consulted stated a position contrary to the development of services. The more typical response to the possibility of services was framed in questions such as "are you sure this can be developed?" and "how soon can it begin?"

3.2 Step II: Development of the Regional Tripartite Committee

The Regional Tripartite Committee was formed by the Regional Council of Health and Social Services in response to the mandate established in the Mental Health policy.

It should be noted that the Kativik Regional Tripartite Committee could not be formed so as to represent equal partnership in the three sectors, as established in the Mental Health Policy. This is due to the fact that the second sector, that of community organizations active in the field of mental health, does not exist in the region. There are no community organizations active in the field of mental health in the Kativik region.

Therefore, the Regional Tripartite Committee was formed to equally represent the other two sectors: 1) the representatives of health and social services establishments, and 2) the representatives of the various communities in the region and of organizations that can have an influence on the issues of mental health. The representatives of the establishments and organizations were suggested or appointed by their representative organization. Community representation was chosen based on the individual's experience and involvement in areas affecting issues of mental health, as well as their interest and commitment to be involved in developing services which will serve the community.

The Mental Health Policy mandate to form the Regional Tripartite Committee met the actual needs of the Kativik Regional Council of Health and Social Services in a very useful and productive manner. As the Regional Council's goals include increasing the involvement of the communities in services, promoting avenues of exchange between the establishments and the communities they serve, and improving the level of cooperation in coordinating efforts with other organizations, the development of this committee was perceived as providing a very important means to work towards these goals in the field of mental health.

The Regional Tripartite Committee also provided a forum for an exchange of understanding in terms of concepts of mental health and the different forms of conceptualizing program and service development. There has been strong participation and commitment from the community representatives in grappling with these issues, as well as a cooperative approach from the establishment representatives in working with the creation of a workable system that maintains a link with the communities and cultivates a cultural relevancy.

The initial mandate of the committee was defined as follows:

The Regional Tripartite Committee will serve as a recommendation body to the Kativik Regional Council of Health and Social Services in the planning and development of mental health resources.

Members will sit on the committee for a period of two years. During that time, the committee will provide recommendations for the initial regional service plan, which will be submitted to the Ministère de la Santé et des Services sociaux. The committee will then review the implementation of resources funded, evaluate the services developed, and continue with recommendations in the second year for planning of implementation and service development.

Through the process of the committee's work, it has been moved and accepted, that the committee will continue as an ongoing mental health advisory board to the Kativik Regional Council of Health and Social Services. Membership commitment will also extend to a longer period of time covering a full phase of development (a three-year period), with membership continued if desired into the next phase.

3.3 Step III: Development of the Regional Service Organization Plan

The body of the regional service organization plan consists of the recommendations made by the regional tripartite committee, and accepted by the Regional Council of Health and Social Services, on November 22th, 1991.

The orientation, objectives, and structure of the regional service plan were developed following the committee's review of the results of the needs assessment. The committee completed this work during 7 meetings from October 15, 1990 to November 19, 1991.

The current stage of development of the Regional Service Organization Plan is envisioned as being elaborated over the next six years. A consistent orientation and objectives have been identified for the foundation of development itself.

3.3.1 Primary Orientation of the Regional Service Organization Plan

1. To develop all services with an Inuit cultural perspective that allows for the acquisition of new knowledge, understanding and skills adapted from other resources.
2. To consistently promote the concepts of mental health and well-being in a manner that is non-judgmental and supportive in its orientation, and that will reflect meaning and relativity to the people in the communities of the region.
3. To maintain a community-based approach that incorporates an aspect of community development, in terms of developing the level of awareness and involvement of the community members and improving the levels of communication.

3.3.2 Primary Objectives of the Regional Service Organization Plan

1. To establish a foundation of services in each community that will provide access to a base of mental health resources and a network of support services that are appropriate to the community and that will provide a clear framework for the ongoing development of services.
2. To cultivate and encourage local human and informational resources that will contribute to the provision of services, and provide support to local initiatives in mental health project development in each community.
3. To develop and implement a process for current data collection regarding services and clients needs.
4. To raise the awareness of mental health issues in the general population through promotion and prevention interventions, and to utilize an approach that will prepare the community members to be increasingly involved in the identification of their own needs and the development of their own solutions to those needs.
5. To encourage cooperation and communication in the working relationships between the network of service establishments and with other regional organizations in coordinating efforts for mental health program development.
6. To conclude the negotiations between the Kativik Regional Council of Health and Social Services, the Montréal CRSSS (region 06) and the Douglas Hospital for the provision of specialized services for persons with mental health disorders. This is to be developed in relation to the allocation of specialized medical manpower.
7. To develop a regional plan to provide in-region services to those persons requiring specialized institutional services, specifically for the persons identified with a mental health disorder who must currently be hospitalized in the south. The plan will address the development of respite care and hospitalization alternatives within the Kativik region.

8. To develop the coordination of services between southern resources and local establishments to provide improved service availability that local persons may utilize during temporary stays in the south.

3.3.3 Structure of the Regional Service Organization Plan

The Kativik Regional Service Organization Plan will establish basic services in the region and simultaneously construct a framework of development for specialized services in the mental health field.

The structure of the programmatic framework that has been proposed for development in the region is a system of local resource persons who will be based in each community, with supervision provided by three regional service coordinators who will be responsible for a sector of the region's communities. Additional access to basic services for special needs is requested on a consultative basis.

Central to this framework is the development of a model of community resource centres. The conceptualization of this type of centre was expressed during the consultation process and was felt to be the optimal choice by the Regional Tripartite Committee for dissemination of community-based mental health services. The centre is based on the concept of a "communication centre" - a place where the community members can go for information, for individual or group counselling, for groups addressing different issues and discussing matters of concern, as well as an avenue to encourage community members to gather and develop their level of general communication.

4 SYSTEM FOR DISTRIBUTING MENTAL HEALTH SERVICES

4.1 Intervention Philosophy and Range of Services to be Consolidated or Developed

In chapter 2, it was specified that the present regional plan for mental health services in the Kativik region is based on accepting the two main objectives aimed at by the mental health policy:

1. to help all persons whose mental health is disturbed, or whose mental balance is compromised, obtain a response that is adapted to their needs and attention that is appropriate to their situation;
2. to promote optimal maintenance and development of the entire population's mental health.

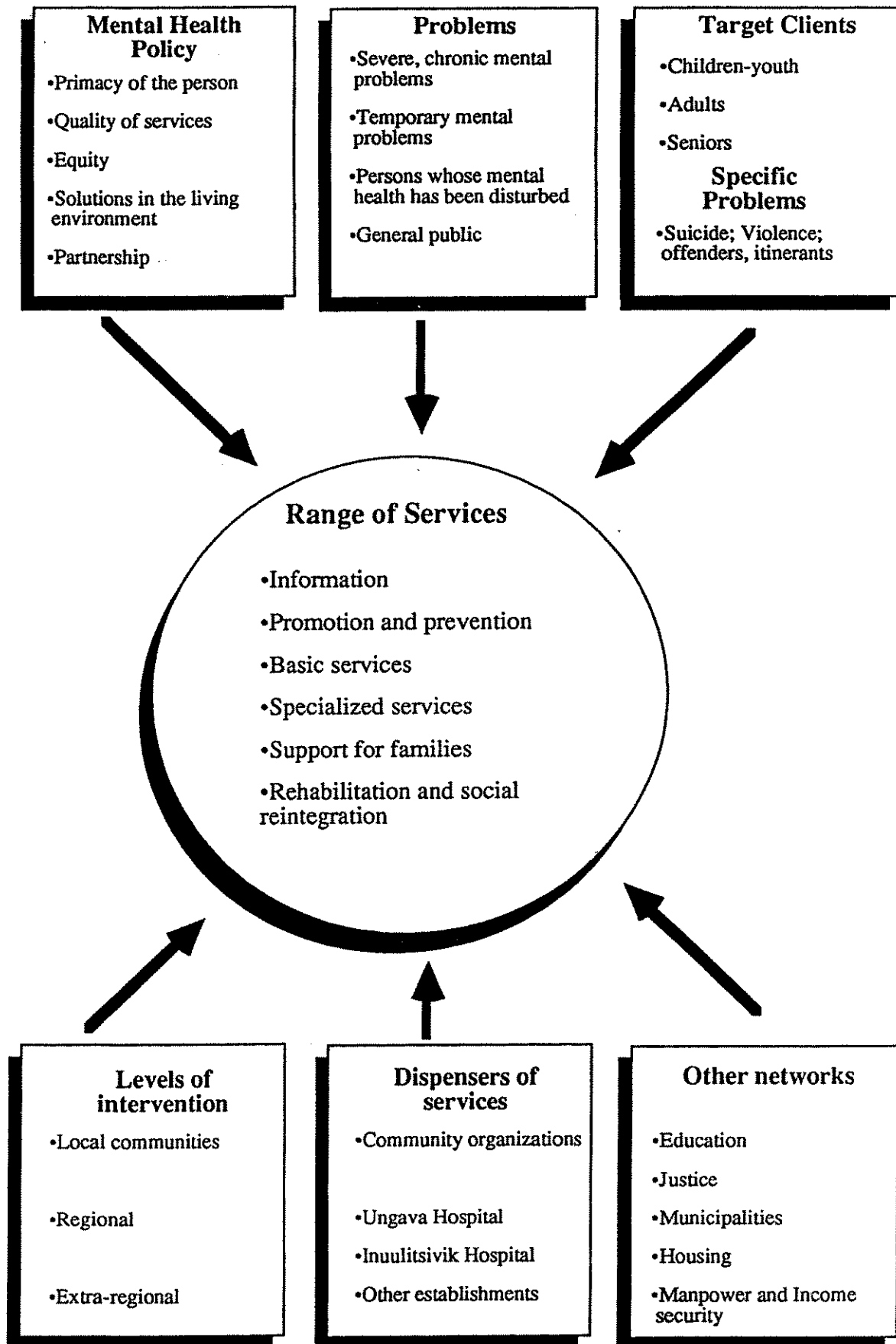
As a result, the region will see to developing a system for distributing mental health services that responds as much to the needs of clients who are disturbed or at risk as to those of the general public. Thus, various partners will combine efforts, abilities and resources to dispense the following range of services:

- Information services
- Promotion and primary prevention
- Basic services
- Crisis intervention services and psychiatric emergencies
- Specialized short-term treatment
- Specialized long-term treatment
- Support services to the family
- Rehabilitation and social reintegration services
- Promotion, respect and protection of rights

In order to coordinate and assess services, the region will equip itself with mechanisms at the local and regional levels. Thus, the individualized service plan and the regional orientation-admissions system will be used for clients who suffer from persistent mental problems, and the local health committees in each community and the regional Isumannaanirmut Katimajit (Peace of Mind Committee) will be called on to play a key role in coordinating and assessing information, prevention and promotion activities for the general public.

The general intervention philosophy that will guide all measures will be based on the community approach promoted by CLSCs. The purpose of the philosophy is to strengthen social supports in each community, and make the community accountable for taking on responsibility. It will therefore involve dialogue, collaboration and partnership with the community, and presupposes that individuals and groups will be able to work as partners in pursuit of solutions to mental health problems. It will in fact require intervention measures based on promoting the value of community support as a means of problem-solving, as was called for by the population and the various partners during the consultation phase of the present regional plan for organizing mental health services.

The figure on the following page illustrated



4.2 Definition of Services and Priority Measures

4.2.1 Information, Promotion, Prevention and Basic Services

Information services

Information services, as defined in the Mental Health Policy, will be provided through regional programs aimed at:

"providing information on mental health problems, the rights of the persons who suffer from mental problems, as well as on existing services and resources "

Objectives:

- 1) To ensure that all persons in the region, including intervention workers, may be adequately informed on available resources and services (accessibility) and on mental health problems (awareness).
- 2) To ensure that all persons who are afflicted with mental health problems, as well as close members of their families, receive all necessary information regarding the problems and consequences (involvement and participation).
- 3) To provide enlightenment on mental disorders.

Target population:

- 1) General public including intervention workers.
- 2) All persons afflicted with any type of mental health problem, their families, and their support network.

Activities:

- 1) Prepare literature on mental health services and resources and distribute it throughout the region.
- 2) Distribute information in each community and lead activities geared to raising awareness on mental health.
- 3) Have each dispenser of services prepare an information program on mental health services.
- 4) Develop and produce pertinent information tools.
- 5) Organize, in each community, meetings geared to changing prejudices on mental health.

Partners:

- Kativik CRSSS
- Health establishments and social service establishments (in and outside the territory)
- Coordinators and counsellors in mental health
- Community groups
- General public

Promotion and Primary Prevention

In the document entitled "Orientations," the MSSS differentiates between primary prevention and the promotion of health:

"The purpose behind prevention is essentially to reduce health problems and social problems by taking action against risk factors and the vulnerability they engender. Under prevention, those who are most exposed to mental health problems are considered priority cases. The purpose behind promotion, on the other hand, is to improve health and well-being. The ultimate objective is not to tackle specific problems, but instead to allow for the development of favorable conditions."

It is hoped that the present regional plan for the organization of mental health services will combine promotion activities with those of primary prevention. Such measures will attempt to promote mental health while preventing mental health problems by taking action against risk factors.

Secondary prevention measures (screening) and tertiary measures (treatment to limit the consequences of illness) will be included; some in basic services, while others in specialized treatment.

Objectives

- 1) To allow for the development of conditions that are favorable to improving the mental health of each individual, and which take into account the existing conditions within the community.
- 2) Strengthen community mechanisms.
- 3) Organize the collection and analysis of data concerning the main mental health problems of each community.
 - 1) General public
 - 2) Certain risk groups:
 - children living under difficult circumstances;
 - elderly persons without resources;
 - families living under difficult circumstances
 - persons with a criminal record;
 - adolescents.
 - 3) Local health committees, youth committees, women's committees, municipal councils and community groups.

Activities:

- 1) Educate people to raise awareness of problems that could jeopardize mental health.
- 2) Improve communication and educate people to promote healthy behavioural models in mental health.
- 3) Organize the community and work with local health committees, youth committees, women's committees, and community groups.

- 4) Initiate, within each community, measures for identifying the problems that influence mental health and the choice of measures the community is prepared to undertake.
- 5) Set up a steering committee in charge of promotion, prevention and intervention services in mental health. The Isumannaanirmut Katimajiit committee could be responsible.

Partners:

- Kativik CRSSS;
- Social workers and health care professionals in establishments;
- Community organizations and local committees;
- Non-network partners (municipalities, police forces, schools, etc.);
- Coordinators and counsellors in mental health;
- The Isumannaanirmut Katimajiit committee.
- General population
- Avataq Cultural Institute

Basic Services:

The Mental Health Policy defines basis services as follows:

- "reception that shows sensitivity to the person's specific conditions and easy access to the community;
- assessment that takes into account the person's physical, psychological and social aspects;
- appropriate treatment in a short period of time;
- screening cases of violence, negligence and other situations that could endanger safety or well-being;
- follow-up or direction towards treatment or more specialized assistance, for instance, in cases of alcoholism, substance abuse, attempted suicide, or violence;
- adequate response in any emergency situation."

In the present regional plan for organizing services, basic services include reception, assessment, treatment, screening, follow-up and orientation. The last element of the definition (emergency situation) will be dealt with under point 4.2.2, Specialized Services.

Objectives:

- 1) To help all persons whose mental health is disturbed, or at risk of having their psychological equilibrium compromised, obtain immediate response that is both comprehensive and adapted to their needs, while paying special attention to their situation and living environment.
- 2) To prevent mental health problems from deteriorating or persisting.
- 3) To help individuals and groups develop and make full use of their ability to take charge of their lives through an overall community approach.
- 4) To favour keeping people who have temporary or persistent mental health problems in the community and reduce the frequency and duration of hospitalization and the risk of becoming itinerant.

Target Client Group:

All persons whose mental health is threatened or disturbed temporarily or chronically, as well as close members of the family and community.

Activities:

- 1) Develop, in each community, reception services and services for physical, psychological and social assessment geared to identify the degree of urgency and immediately obtain all necessary support.
- 2) Consolidate, in each community, support and counselling services for persons afflicted with mental health problems and their families.
- 3) Provide for the person and their family pertinent information on mental health disorders, as well as on the local and regional resources and service available to them.
- 4) Develop tools that could help determine which subsidies would be appropriate to help a person achieve or return to a satisfactory level of social and emotional functioning within the community.

- 5) Develop home care services for clients with mental health disorders and use the individualized services plan to facilitate their social reintegration.
- 6) Develop means for screening, follow-up, and orientation for groups at risk in each community.
- 7) Develop basic psychological and social services in schools for children and adolescents.

Partners:

- Social workers and health care professionals of establishments.
- Community organizations and local committees.
- Non-network partners (municipalities, police forces, schools, etc.).
- Coordinators and counsellors in mental health.
- The Isumannaanimut Katimajit committee.
- Kativik CRSSS
- General public

4.2.2 Specialized Services

Crisis Intervention Services and Emergency Psychiatric Services

These services focus on encouraging the community, as much as possible, to take charge of people who are experiencing psycho-social problems, such as situational crisis, emotional distress, acute rehabilitative problems, or who require emergency psychiatric treatment for psychosis or emotional troubles, such as major depression.

Crisis intervention is intended for people who are suffering from acute psycho-social disorientation. The purpose is to bring such people, and their immediate social network if applicable, to a more appropriate minimal level of functioning, as quickly as possible. Such intervention is based on assessing the gravity of the situation, tackling the crisis and conducting very short-term follow-up.

Psychiatric emergency consists of acute problems of thought, mood, behaviour, or social relations that require immediate intervention as defined by the patient, his family, or the community. According to the policy, emergency services are specialized services for people who have a severe, complex mental health problem.

Four types of crisis intervention services and emergency psychiatric services are possible:

- hot-line telephone services and referral;
- intervention services at the scene of the crisis;
- services at crisis centres;
- psychiatric emergency services in a hospital.

As defined in the Mental Health Policy, crisis intervention services are included in basic services, whereas emergency psychiatric services are specialized. In the present regional plan for organizing services, we consider both to be closely linked, and therefore integrate such specialized services into basic services.

Objectives:

- 1) To ensure that all persons who are going through a crisis situation and/or who are experiencing mental health emergencies have rapid access, at all times, to assessment and intervention services, as close as possible to their home or the scene of the crisis.
- 2) To ensure that crisis situation services and ongoing services complement one another through collaboration between intervention workers.
- 3) To equip the communities with concrete means that will help them take action during a crisis situation.
- 4) To support local and community initiatives that focus on offering services to persons in crisis situations.
- 5) To prevent, as much as possible, from expatriating people from their village or territory during a period of temporary crisis.

Target Population:

All persons experiencing a mental health crisis situation, as well as their support network (family and community).

Activities:

- 1) Set up in each community an emergency mechanism for persons in crisis situations: reception, support, listening and guidance. A hot-line service could be run by volunteers or other services could be set up locally in collaboration with all intervention workers and the population.
- 2) Choose from health establishments and social service establishments a psychiatric team that can dispense intervention services and equip the team with the tools needed to confront psychiatric emergencies.
- 3) Establish cooperative links between the various intervention workers, organizations and groups offering crisis intervention services. The team of mental health coordinators could play a key role.
- 4) Negotiate, with the establishments or crisis centres in the Montreal and Quebec City regions, agreements to receive and counsel Inuit clientele staying with them during a crisis situation.
- 5) Ensure that each community receives support from professionals qualified to confront crisis situations. In this way, a regional team, made up of coordinators in mental

health, should be created and charged with the responsibility of providing support to social workers, health care professionals and volunteers in each community.

- 6) Ensure that health care establishments and social service establishments benefit from the services of a psychiatrist to support them during crisis intervention.

Partners:

- Coordinators and counsellors in mental health
- Social workers and health care professionals in each establishment
- Community organizations, local health committees, volunteer groups, municipal councils
- Non-network professionals (teachers, police officers, etc.)
- General public

Specialized Short-term Treatment

As mentioned in the Mental Health Policy,

"the persistence, complexity and severity of a problem make specialized treatment necessary. The purpose of specialized treatment is to maintain or restore a person's capacities so that they may be used to the maximum, whatever the person's living environment."

Several types of intervention are possible: psycho-pharmacology, psychotherapy, social work, lodging, etc.

In the present regional plan for organizing health services and social services, we distinguish between long-term specialized services and short-term specialized services as they are very different from one another: one is offered within the region while the other requires a transfer outside the region.

Short-term specialized treatment encompasses psychiatric consultation services, hospital treatment, specialized community care, referral to the regional committee on guidance and admission, as well as intervention, if necessary, by a specialized multi-disciplinary psychiatric team.

Objectives:

- 1) To make a range of services, whose scope and duration may vary according to need, accessible to persons suffering from psychiatric problems.
- 2) To help solve crises.
- 3) To maintain or restore their ability to control problems and reintegrate into their environment.

Target Population:

Persons who manifest severe problems, whether temporary or persistent.

Activities:

- 1) Set up, in each hospital centre in the Kativik region, the material and human resources required to provide adequate short-term specialized services.
- 2) Reach an agreement with establishments of metropolitan Montreal to have two psychiatrists working full-time for the Kativik region.
- 3) Develop, in collaboration with the health and social service teams of each community, services to help people with severe psychiatric problems deal with the transition between hospitalization and returning home. The teams should be equipped with resources and trained.
- 4) Set up pilot projects for specialized treatment based on a community approach in which Inuit traditions are respected.
- 5) Reach an agreement with establishments in the South to begin disinstitutionalization measures for Northern clients that are currently residing in hospitals and psychiatric residences in the South.
- 6) Integrate regional traditional helpers into the care service teams.

Partners:

- Kativik CRSSS
- Greater Montreal CRSSS
- Psychiatrists
- Health care establishments and social service establishments in the region.
- Nursing staff and physicians in establishments.
- Health care professionals and social workers of each community.
- Coordinators and counsellors in mental health.
- Kativik School Board
- Traditional helpers
- General public

Long-term Specialized Treatment

According to the Mental Health Policy, long-term specialized treatment includes: in-depth initial assessment; assessments at regular intervals during the illness; regular contact with one or more intervention workers able to conduct a follow-up.

Objectives:

- 1) To reduce the possible number of long-term hospitalizations outside the region.
- 2) To see to it that persons hospitalized for long-term care remain as close as possible to their place of origin.
- 3) To foster continuity between long-term services and other services so as to produce an integrated network.

Target Population:

Persons suffering from severe, persisting mental problems.

Activities:

- 1) Prepare an individualized service plan for each person hospitalized for psychiatric problems and present it to the Regional Orientation-Admissions Committee, which has been set up to deal with clients in loss of autonomy.
- 2) Integrate clients with persisting psychiatric problems into the regional plan for organizing services for persons in loss of autonomy.
- 3) Train and support the health care teams and social service teams of each establishment so that they may dispense specialized services to persons hospitalized for psychiatric problems.
- 4) Enter into discussions with the regional establishments and those of the Montreal region in view of disinstitutionalizing the Inuit clientele and reintegrating them into the community of their origin.
- 5) Find support mechanisms for the families and communities who wish to receive and support persons having severe, persisting mental disorders.

Partners:

- Kativik CRSSS
- Greater Montreal CRSSS
- Psychiatrists
- Health care establishments and social service establishments in the territory
- Nursing staff and physicians in the establishments
- Communities
- Families
- Community groups
- Kativik School Board

4.2.3 Support Services for Families

The Mental Health Policy highlights the importance of providing support to the families of persons experiencing mental health problems. It even requires that the family be taken into consideration throughout the planning process and all the while services are dispensed.

In the present regional plan for organizing services, information, prevention and emotional support for families are included in the services described above for persons with mental problems (item 4.2.1). Families are considered target clients as much as the persons themselves, because they are the person's primary support.

Services to which families are entitled:

- Information services on mental illness, how to treat them, and with what resources
- Support in crisis situations.
- Increase in the value of their role to support.
- Access to consultation services in mental health.
- Respite and emergency relief.

Objectives:

- 1) To ensure that the families benefit from services that will help them live in harmony with all family members, including those suffering from mental illness.
- 2) To ensure that the families and close friends of persons suffering from mental illness be recognized and supported as potentially able to take charge of one of their members.
- 3) To help families from becoming exhausted.

Target Population:

The families of persons suffering from mental illness.

Activities:

- 1) Integrate family support services into the other programs in the range of services offered in mental health.
- 2) Get the families of persons who have mental health problems involved in decisions, especially when the persons are hospitalized or are received specialized treatment.
- 3) Develop a respite program to keep the families from getting exhausted and to help the participate in community activities.
- 4) Develop, in collaboration with the health care establishments and the social service establishments in the territory, short-term respite services and emergency services.

Partners:

- Kativik CRSSS
- Health care establishments and social service establishments in the territory
- Families of persons having mental health problems
- Coordinators and counsellors in mental health
- General public

4.2.4 Rehabilitation and Social Reintegration Services

According to the Mental Health Policy, rehabilitation and social reintegration are complementary and offered concurrently:

Whereas the purpose of rehabilitation is to develop or restore physical and social abilities to increase the person's level of autonomy, social reintegration seeks to maintaining that autonomy.

The above activities should include the following services:

- Support and companionship
- Residential services
- Learning social and daily living habits
- Learning work habits
- Education services
- Social rehabilitation services
- Community support

The present plan for organizing mental health services does not include specific objectives for rehabilitating clients having severe, persisting mental health problems and reintegrating them into society since activities for these persons are included in the regional plan for organizing services for persons in loss of autonomy, which is currently being discussed with the establishments of the region.

Such clients are eligible for orientation and admissions services in substitute settings, as well as for rehabilitation and social reintegration services.

4.2.5 Promotion, Respect and Protection of Rights

Promotion, respect and protection of rights may apply to both individual rights and collective rights.

With respect to individual rights, intervention measures might just as easily be taken in a natural environment as in a protected residence or within various organizations and establishments that care for persons with mental health disorders.

As concerns collective rights, intervention measures are taken for groups that have the same problem in common and seek to improve policies biased against persons with mental health problems.

Objectives:

- 1) To increase the person's degree of autonomy so that he may defend his rights.
- 2) To ensure that persons who have not received the mental health services or social services to which they are entitled, have recourse to a clear, simple and rapid procedure.

Target Population:

Persons experiencing a mental health problem.

Activities:

- 1) Set up a mechanism for receiving clients and processing complaints.

- 2) Set up, regionally, a service for the promotion, respect and protection of rights of persons having mental health problems.

Partners:

- Kativik CRSSS
- Health care establishments and social service establishments in the region.
- Coordinators and counsellors in mental health
- Isumannaanimut Katimajit committee
- Local health committees

4.2.6 SPECIFIC PROBLEMS AND PRIORITIES

The present effort to prepare a regional plan for organizing mental health services for the Kativik region was based on a collaborative effort with the establishments of course, but more importantly on a dynamic effort with the Inuit community. The team responsible visited several villages to conduct phase I, Consultation. A few major problems were brought up, thus confirming the statistics gathered by health establishments, social service establishments, and researchers interested in the region. Isumannaanirmut Katimajit, the regional committee, and the Kativik Regional Council of Health and Social Services wants to consider these obvious problems in a very special way. The problems: high suicide rate in the region, especially among young people; alcohol, drug and substance abuse; violence; itinerancy; and repeat offenses.

Persons with such problems are considered priority clients. The present plan for organizing social services seeks to direct them towards intervention measures.

Each person deserves, in addition to the services described above, more specific action.

Suicide among Young People

Suicide, particularly among young people, requires urgent action, addressed from the general public, intervention workers in the field of health services, social services, education, justice, the municipalities, social groups, churches, etc. Suicidal persons, their families and the communities

in which they live need support and adapted services, which will be provided by developing the range of services described above. However, special attention should be paid to certain aspects of suicide, such as prevention, response to emergency situations, risk assessment, and appropriate follow-up. Therefore, the present regional plan for organizing services foresees specific objectives to help the communities to deal with the situation. During the first months of the plan, the majority of interventions in mental health will be aimed towards the most affected communities which are, according to the rates submitted in appendix: Povungnituk, Salluit, Aupaluk, and Kuujuaq.

Objectives:

- 1) To significantly reduce the rate of suicide, especially among young people.
- 2) To develop the means of intervening in behalf of suicidal persons, by strengthening community bonds.
- 3) To equip families and communities with the tools to confront the problem of suicide.

Target Population:

- young people
- parents and friends of suicidal persons
- communities

Activities:

- 1) Develop mutual aid groups among peers within each community.
- 2) Organize youth camps that focus on traditional living.
- 3) Promote suicide prevention hot-lines and the support resources that are available in each community.

- 4) Provide information on the problem of suicide, the ways of recognizing suicidal behaviour and techniques of intervention.
- 5) Train the general public, health care professionals, social workers, teachers and police officers in suicide prevention.
- 6) Raise the public's esteem of the role of traditional helpers and encourage elders to get involved in the lives of young people.
- 7) Develop and participate in recreational infrastructures.
- 8) Gather and analyze data concerning suicide in the region.

Partners:

- Kativik CRSSS
- Communities
- Staff of health care establishments and social service establishments.
- Teachers, police officers, municipal authorities
- Kativik School Board
- Coordinators and counsellors in mental health
- Recreation committees
- Youth Committees
- Avataq Cultural Institute
- Conference of elders
- Makivik Corporation

Alcohol, Drug and Substance Abuse

The Kativik Regional Council of Health and Social Services has hired a person whose mandate will specifically be to coordinate and develop prevention, information and support services for substance abusers and their family. A regional plan for organizing alcohol and drug abuse services will be developed before long, in collaboration with the various partners working in this field. The committee still wishes to consider the problem as one requiring priority action in the present plan for organizing mental health services and include certain specific objectives for preventing addiction, developing healthy habits among young people, and supporting people who live with the consequences of alcohol and drug abuse.

Objectives:

- 1) To develop means of action against alcohol and drug abuse on behalf of individuals whose mental health is threatened.
- 2) To raise awareness among the population of the effects of drug and alcohol abuse on mental and physical health.
- 3) To support families in which a child is having drug and alcohol abuse problems and to support the children of parents who have such problems.
- 4) To offer support to persons who wish to be rehabilitated and to reintegrate into society after having overcome drug and alcohol abuse problems.

Target Population:

- General public
- Persons with drug and alcohol abuse problems
- Families of persons who have drug and alcohol abuse problems
- Young people whose parents abuse drugs and alcohol

Activities:

- 1) Raising awareness in schools about the problems engendered by drug and alcohol abuse.
- 2) Developing mutual help groups similar to Alcoholics Anonymous for adults and adolescents.
- 3) Developing support groups for the family and friends of alcoholics and drug abusers.
- 4) Developing treatment services in the territory.

Partners:

- Nunalituqait Ikajuqatigiitut
- Kativik CRSSS
- Communities
- Staff in health establishments and social service establishments
- Teachers, police officers, municipal authorities
- Kativik School Board
- Makivik Corporation
- Coordinators and counsellors in mental health
- Avataq Cultural Institute

Violence

Violence has become a major social concern throughout Quebec. It consists of many specific problems: abuse and negligence, conjugal violence, family violence, sexual abuse, physical abuse, psychological abuse, incest and rejection. Those most affected by such problems are women, children and seniors.

The Kativik territory is not exempt from the problems of violence. Some communities have come up with ways of confronting such problems. The purpose of the present regional plan for organizing services is to make this client group a priority for receiving the services described above, encourage the development of specific services, both for the victims of violence and the perpetrators.

Objectives:

- 1) To encourage the creation of services for victims of violence.
- 2) To raise awareness among the general public about the effects of violence and the ways of preventing it.
- 3) To develop services for violent persons.

Target Population:

- General public
- Victims of violence
- Violent persons

Activities:

- 1) Participate in activities to raise awareness within the community about the problems that violence engenders.
- 2) Develop resources to come to the aid of victims of violence.
- 3) Develop treatment services in the territory for violent persons.
- 4) Train emergency intervention workers to deal with violence.

Partners:

- Women's groups
- Kativik CRSSS
- Communities
- Staff in health establishments and social service establishments
- Teachers, police officers, municipal authorities
- Kativik School Board
- Coordinators and counsellors in mental health

Itinerancy

Itinerancy is a concern not only for the Kativik Regional Council of Health and Social Services and the dispensers of services, but also for the communities. The problem is barely visible within the region since itinerants are found mainly in Montreal, Quebec City and other cities in the South. Little data exists on the characteristics and needs of this client group. The regional plan

for organizing mental health services will also include specific objectives in order to better identify the problem.

Objectives:

- 1) To have a better picture of itinerant Inuits as well as their needs.
- 2) To identify the means that are likely to help itinerant groups reintegrate into their community.

Target Population:

- Itinerant Inuits outside the Kativik region

Activities:

- 1) Communicate with reception centres in Montreal and Quebec City in order to contact Inuit itinerants living in their territory.
- 2) Meet with itinerants to identify their problems and needs.
- 3) Develop new models to support itinerant persons and help them to reintegrate into their community.
- 4) Create transition homes for itinerant persons, based on traditional values.

Partners:

- Kativik CRSSS
- Health care establishments and social service establishments in the region
- Establishments outside the region
- Native Friendship Centre
- Kativik School Board
- Reception centres for itinerants living outside their region of origin
- Coordinators and counsellors in mental health
- Northern Quebec module
- Communities

Repeat Offenders

Data on young offenders and adult offenders on probation reveal a high level of recidivism. Meetings with probation officers and youth protection workers have brought to our attention the need to take probation clients into consideration in the regional plan for organizing mental health services.

Objectives:

- 1) To see that persons on probation receive psychiatric or psychological evaluation.
- 2) To encourage dialogue between the various legal authorities and the general public.
- 3) To develop collaboration mechanisms between legal authorities and professional working in the health and social service fields in order to help persons on probation to reintegrate into society.

Target Population:

Persons on probation who have mental health problems.

Activities:

- 1) Come to an agreement with the psychiatrists and psychologists assigned to the territory to conduct psychiatric or psychological assessments of persons on probation.
- 2) Develop, at the community level, a plan for dispensing services to persons who have mental health problems and who are on probation.
- 3) Develop housing services for persons who are either on probation or in the process of reintegration into society or services to place them in reception families
- 4) Support families and communities who wish to come to the aid of persons on probation.
- 5) Assess the needs of clients who have both a criminal record and a mental health problem.

Partners:

- Kativik CRSSS
- Health care establishments and social service establishments in the region
- Probation officers
- Kativik School Board
- Coordinators and counsellors in mental health
- Nunaliuqait Ikajuqatigiitut
- Communities

4.3 Mechanisms for coordinating and assessing services: Individualized Services Plan, Local Health Committees, Regional Orientation-Admissions System and the Regional Mental Health Committee

To guarantee coordination and assessment services for persons suffering from mental health problems, the present regional plan for organizing services provides for local mechanisms in each community, as well as regional mechanisms.

Thus, on the local level, Individualized Services Plan is preferred for coordinating services dispensed to persons with persisting mental problems. However, Local Health Committees will be closely associated with the coordination and assessment of essential mental health services. On the regional level, the coordination mechanism chosen for more specialized services is the Orientation-Admissions Committee provided for in the regional plan for organizing services for persons in loss of autonomy. General orientation and assessment of basic mental health services will be conferred on the existing Regional Mental Health Committee, called Isumannaanirmut Katimajit.

4.3.1 Individualized Services Plan

An Individualized Services Plan (ISP) is a means of planning and coordinating individual services that are necessary to developing, maintaining, or storing a person's autonomy and seeing to it that the person is reintegrated into the community and continues to function well there. It centres on involving the person, as much as possible, in developing his own plan.

The ISP details the responsibility of the intervention workers concerned and provides for a deadline for revision and assessment. It also provides for appointing a person responsible for coordinating the plan. That person becomes the ISP Coordinator.

An ISP can be broken down into as many intervention plans as there intervention workers and establishments. It therefore differs from an intervention plan in the sense that it seeks to coordinate all the services that the beneficiary will receive.

The Ministère makes the ISP mandatory for the following three categories of persons:

- 1) Persons who receive long-term mental health services and who are expected to return to their community.
- 2) Persons who suffer from chronic mental illness associated to a physical or intellectual handicap or from anti-social behaviour.
- 3) Persons who receive regular treatment from public establishments and other community resources, but who have not necessarily been institutionalized for long periods.

Objectives:

- 1) To define the ISP modalities that best suit the target clientele and the intervention workers who will be using them.
- 2) To implement the ISP modalities and make them accessible, in each community, to persons suffering from chronic mental problems.

Target Population:

- Persons who have been receiving mental health services for a long time and who are expected to reintegrate into the community.
- Persons suffering from chronic mental problems.

- Persons who frequently receive mental health services.

Activities:

- 1) Raise awareness among target client groups , their families and the health and social service teams in each community in order to use the ISP as a tool for coordinating services.
- 2) Train health care professionals and social workers in individualized service plans.
- 3) Develop, in collaboration with the team working on the regional plan for organizing services, an ISP model, adapted to the Kativik region, for persons in loss of autonomy.
- 4) Develop support mechanisms for families, members of the community or groups who wish to get involved in coordinating the ISP for persons in their community.

Partners:

- Kativik CRSSS
- Health care establishments and social service establishments
- Health care professional and social workers in each community
- Persons with mental health problems
- Communities, community groups and churches
- Coordinators and counsellors in mental health
- Kativik School Board

4.3.2 Local Health Committees

Each of the 14 communities of the Kativik region has a Local Health Committee. These health committees have been in existence since the sixties. They work with health care establishments, social service establishments and the Kativik CRSSS on defining health care needs and social service needs, and responding to complaints filed by users. Each committee is composed of 6 persons: a municipal councillor, a member of the recreation committee, a member of the education committee, a church appointee, and two persons appointed by the municipal council to represent the community.

Their mandate is as follows:

- 1) To inform the community on public hygiene, health and social services.
- 2) To identify the community's needs in health services and social services.
- 3) Inform the Regional Council of Health and Social Services of any complaint filed by the users of health and social services.

Under the present regional plan for organizing mental health services, priority will be given to the local committees in charge of planning, developing and assessing essential mental health services in their respective communities.

Objectives:

- 1) To associate local health committees with planning, development and assessment of essential mental health services in their respective communities.
- 2) To ensure that the services meet the population's real needs.
- 3) To welcome complaints and suggestions from users.

Target Population:

- general public
- persons with mental health problems
- groups at risk

Activities:

- 1) Meet with local health committees to present the regional plan for organizing mental health services and make them aware of the key role they can play.
- 2) Provide technical, human and financial support to the local committees to help them adequately fulfill their mandates.
- 3) In collaboration with each local health committee, identify priority measures in mental health and put priority on awareness and prevention activities.
- 4) Identify, on each local health committee, a mechanism for receiving clients and processing complaints.

Partners:

- Local Health Committees of each community
- Teams of health care professionals and social workers in each community
- Coordinators and counsellors in mental health

- Kativik CRSSS
- Health care establishments and social service establishments

4.3.3 Regional Orientation-Admissions System

The region is in the process of installing a Regional Orientation-Admissions System for persons in loss of autonomy. Under the present regional plan for the organization of mental health services, the same mechanism will be used for clients who need services that are not offered in the region or who need lodging.

The proposed model (see p. 87) includes the following stages:

- 1) Assessment of the person's physical, psychological and social needs.
- 2) Development of an individualized service plan.
 - 3a) Local intervention based on the individualized service plan.
 - 3b) Recommendations to the Regional Orientation-Admissions Committee for needs that remain to be fulfilled.
- 4) Case study, at the regional level, for needs and orientations that remain to be fulfilled. Processing of an admissions request, if applicable.
- 5) Proposal for service development.

Objectives:

- 1) To ensure that persons suffering from severe psychiatric problems are fairly assessed, and directed towards and admitted into the proper residential program.

Client Group:

Persons suffering from severe, persistent mental problems.

Activities:

- 1) Develop a clear, functional plan for admitting patients into long-term care services and establishments.
- 2) Develop assessment-orientation tools that are adapted to the Inuit clientele.
- 3) Implement an orientation-admissions system for clients in need of lodging.
- 4) Develop an information bank on clients.

Partners:

- Kativik CRSSS
- Health care establishments and social service establishments in the territory
- Residential establishments outside the territory
- Health care professionals and social workers working with the target client group
- Communities and community groups
- Coordinators and counsellors in mental health

4.3.4 Regional Mental Health Committee: Isumannaanirmut Katimajiit

In order to fulfill the mandate conferred on it by the Mental Health Policy, the Kativik Regional Council of Health and Social Services created the Isumannaanirmut Katimajiit committee. It is composed of representatives from the establishments within the health and social service network and an equal number of representatives of the communities.

The committee has offered its members a forum in which to exchange points of view and express their thoughts on mental health. They have also taken active part in the community needs assessment process and have helped identify the courses of action to take in mental health in view of preparing the regional plan for organizing mental health services.

The committee's mandates are detailed in chapter 3, under item 3.2. Its mandates are closely linked to the development of the regional plan for organizing mental health services. During the course of the committee's activities, its mandate was expanded to create a permanent mental health advisory committee to work with the Regional Council of Health and Social Services. Under the present regional plan, the Isumannaanirmut Katimajiit committee will play a key role in the general orientation and assessment of basic mental health services, on both regional and local levels.

Objectives:

- 1) To get the members of the Isumannaanirmut Katimajiit committee involved in developing and assessing the regional plan for organizing mental health services.
- 2) To ensure that mental health services meet the needs of the population and respect the unique characteristics of each community.

Target Population:

- General public
- Persons with mental health problems
- Groups at risk

Activities:

- 1) Hold regional meetings of the committee to discuss various mental health problems and the follow-up for the regional plan for organizing mental health services.
- 2) Receive complaints and suggestions concerning health services and social services lodged by the users of the mental health service users.
- 3) Identify priority measures in mental health, as well as awareness and prevention activities.

Partners:

- Isumannaanirmut Katimajiit
- Committee - Teams of health care professionals and social workers in each community
- Coordinators and counsellors in mental health
- Kativik CRSSS
- Health care establishments and social service establishments
- Communities
- Community groups

5. PLANNING STRATEGY AND RESOURCE NEEDS

As previously mentioned, mental health services are as yet undeveloped in the Kativik territory. Furthermore, existing social services are clearly insufficient, and the medical and nursing staff barely meet current care needs. In a context of rare, if not altogether lacking services, it is difficult to speak of reallocation. As a result, the present regional plan for developing mental health services provides for additional resources to carry all priority measures to term. These resources will be added gradually over a period of 6 years.

5.1 Additional Resources: Roles and Responsibilities

5.1.1 Mental Health Counsellors in Each Community

In order to develop information, prevention and first-line intervention services, the regional plan for organizing mental health services proposes that local mental health counsellors be hired to work in each of the communities. They will work in collaboration with other local workers and with the general public. Their responsibilities would be:

- to organize information, promotion and prevention activities within their respective communities;
- to encourage the people in their community to think about the factors that influence the mental health of individuals and to identify preventive measures;
- to support and listen to persons suffering from stressful situations;
- to collaborate with the social workers and health care professionals of their respective communities and offer them basic services and intervention in mental health crises;
- to organize information, promotion and prevention activities in schools and integrate them into community activities;
- to work with the local health committee to identify the problems that affect mental health;
- to work with volunteers who wish to start up emergency services, suicide prevention services, or any other services for persons suffering from mental health problems;
- to help assess mental health services;
- to develop an approach that will help persons with persisting mental health problems;
- help the multi-purpose team prepare service plans for persons suffering from persistent mental health problems.

They would be hired gradually, by group 3, beginning in the second year of the present regional plan. The first three mental health counsellors will be assigned to municipalities in which the rates of suicide, criminality and social problems are most severe: Povungnituk, Kuujuaq, Salluit.

5.1.2 Mental Health Coordinators

In order to hire, train and supervise the mental health counsellors, as well as to support the existing intervention teams in each of the communities, the regional plan provides for the hiring of three mental health coordinators. They will also be responsible for dispensing specialized services to clients suffering from persistent mental health problems and to support community workers in emergency and crisis situations. Each will be responsible for a certain number of communities: those of Hudson Bay, those of the Hudson coast, those of Ungava Bay. Two counsellors will be resource persons who have highly specialized experience and who have solid experience in intervening on behalf of this target client group; one of them will be a local resource person who is already involved in his community and who has good knowledge of values and traditions, which are to be respected. Their responsibilities could be:

- to organize the mental health community centre in Salluit;
- to prepare and dispense basic information for the mental health counsellors;

- to provide continued training and supervision for the mental health counsellors in their respective communities;
- to prepare information and prevention material in the area of mental health;
- to prepare needs assessment tools for the target client groups and make them available to the groups and workers within the network;
- to support the social workers and health care professionals in each community whenever they find themselves in emergency or crisis situations and whenever they intervene on behalf of a person suffering from persisting mental health problems;
- to prepare tools to help mental health counsellors and local health committees to play their roles in mental health;
- to collaborate with the Isumannaanirmut Katimajit committee in defining general orientations and in assessing the mental health services dispensed in the territory;
- to act as resource persons for groups and organizations in the territory;
- to help develop, in each community, emergency or crisis services for clients with mental health problems;
- to support community groups that wish to get involved in mental health.

The three mental health counsellors will be assigned to Salluit, where the Isumannaanirmut Katimajit committee hopes to see the region's first mental health centre established. The idea was discussed during consultation and is described under item 3.3.3.

5.1.3 Specialized Services:

Negotiations for long-term psychiatric and hospitalization services are in progress with the CRSSS of Greater Montreal. The present regional plan provides for additional resources, over the next few years, based on basic requests made during the negotiations. The resources are two full-time psychiatrists for the Kativik region, who will conduct consultations in the territory and be responsible for hospitalized patients in the South. They will also be responsible for training and supporting for intervention teams of social workers and health care professionals of the region's two hospital centres. They will also work in collaboration with the mental health workers in each of the communities. The responsibilities could be:

- to offer regular and continued consultation services in the Kativik region for adults, children and families;
- to offer support and supervision to professionals and volunteers working on behalf of the public in the area of mental health;
- to act as resource persons for the Isumannaanirmut Katimajit committee, the Kativik CRSSS, as well as for the establishments;
- to ensure the north-south and south-north coordination of psychiatric services dispensed to Inuits;
- to ensure relations between establishments in the south and those of the north, insofar as concerns psychiatric services;
- to support teams in the South that work with Inuit persons having mental health problems;
- to develop an adapted program for psychiatric patients who wish to work in the Kativik region;
- to collaborate with local multi-disciplinary teams;
- to favour and support researchers interested in mental health;
- to help organize reception and treatment resources for persons suffering from persistent mental health problems.

These persons could also play an important role in consolidating the will of the present plan for organizing mental health services: to develop, in the Kativik territory, reception, assessment and temporary lodging services for clients in crises, emergency situations, or in need of specialized intervention. This requires collaboration between physicians, nurses and social workers in the establishments, as well as investing in their training and rearranging their work.

Prolonged lodging services are included in the negotiations underway with the CRSSS of Greater Montreal. These services are currently offered in Montreal and the present plan provides for developing basic services before repatriating these clients to the North.

5.1.4 Research

The regional plan for organizing mental services also provides for research development, especially in identifying the needs of the population, experimenting with new, appropriate means of intervention, and assessing programs and intervention measures in mental health.

Some areas also merit documentation, for example:

- the impact of cultural factors on the incidence of suicide among the Inuit;
- the influence of culture on the development and appearance of violent behaviour on behalf of men towards women;
- socio-cultural factors that impede the intervention measures of Inuit social workers working in small communities;
- the development of original tools to help traditional helpers intervene within their respective communities;
- the development of an Inuit vocabulary specific to mental health for Nunavik.

Training:

With respect to training human resources in mental health, the present regional plan for developing services provides for using coordinators in mental health and specialized human resources, as per the agreement with the CRSSS of Greater Montreal. However, funding is necessary in order to provide the services of external consultants who will deal with specific problems, such as suicide, incest, violence, etc. Funding has also been provided to cover costs incurred by the mental health counsellors for travel for basic and continued training.

Training is a priority since it has been identified as one of the major elements that will decide the success of the present effort to organize mental health services.

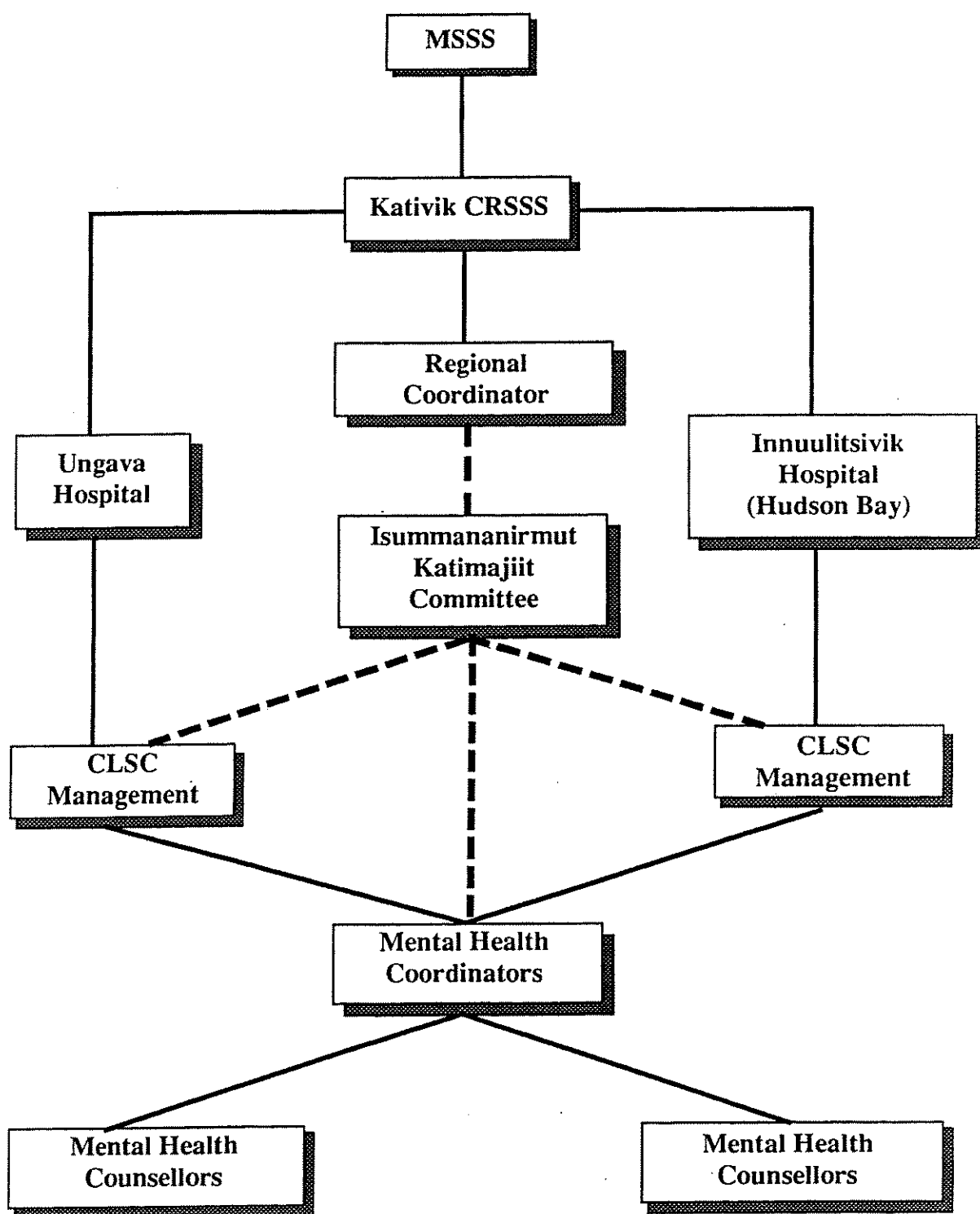
Adapted Material:

It is obvious that information, promotion and prevention material must be adapted to the Inuit people's way of life and philosophy. This includes a budget for translation services and the hiring of resources persons to adapt existing tools.

5.2 Integrating Resources to the Current System

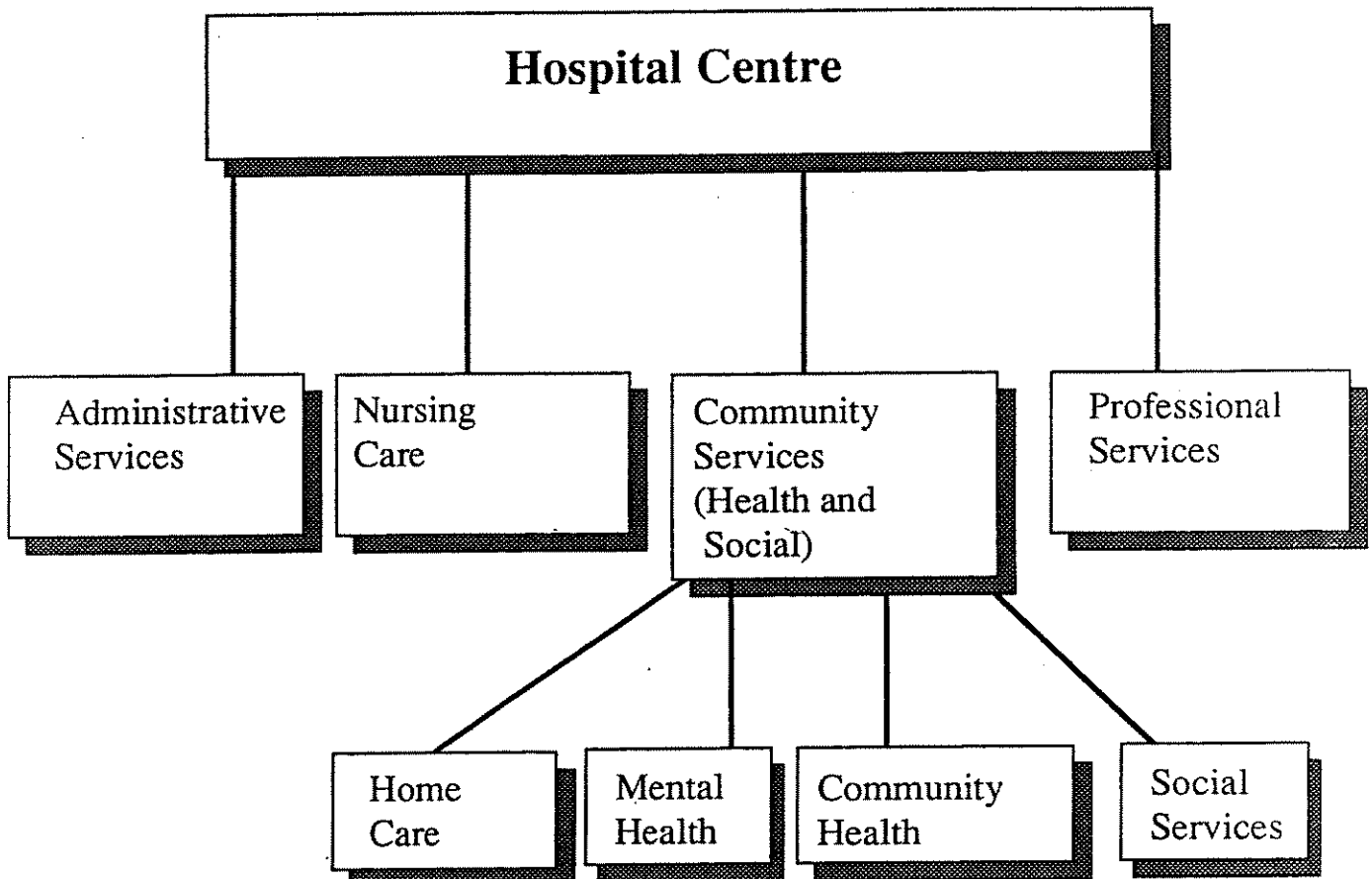
The following pages illustrate the way the new resources in mental health will be integrated into the current network. Table A shows how the mental health services could be organized regionally; table B shows how the services could be organized in each establishment; table C shows how the services will be integrated in each municipality; and lastly, table D presents the regional orientation-admissions mechanism

a) Regional organization of mental health services



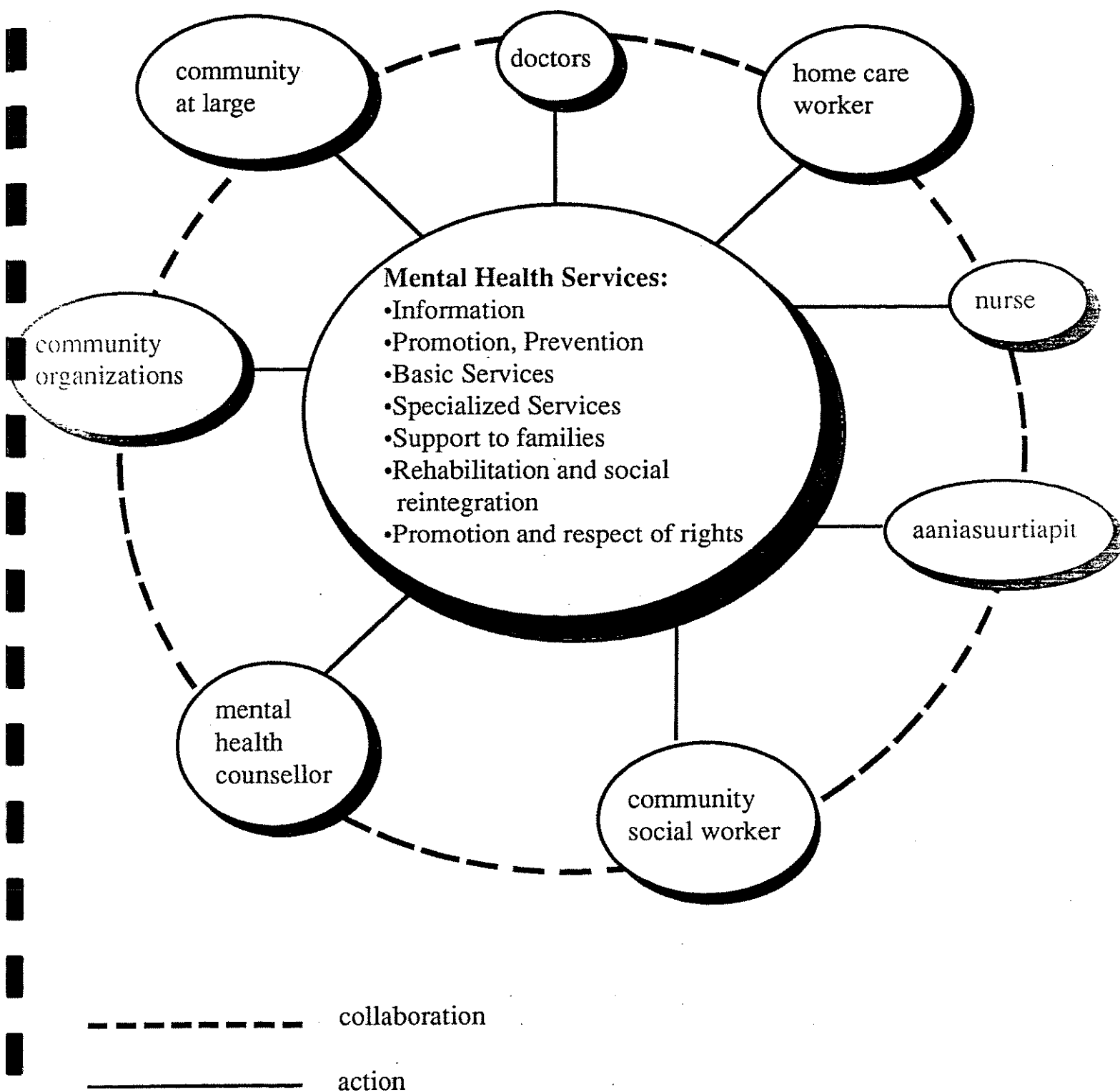
— Administrative Link
 - - - Orientation link

b) Organization of services in each establishment



Note: This is a proposal for the organization of services and remains to be discussed with the establishments. The Isummananirmut Katimajit Committee recognizes that the establishments are responsible for organizing their services. However, it is eager to integrate mental health services into a structure similar to that of a CLSC (community approach) rather than into social services as is presently the case.

c) Organization of services in each municipality



d) Regional Orientation-Admission Mechanisms

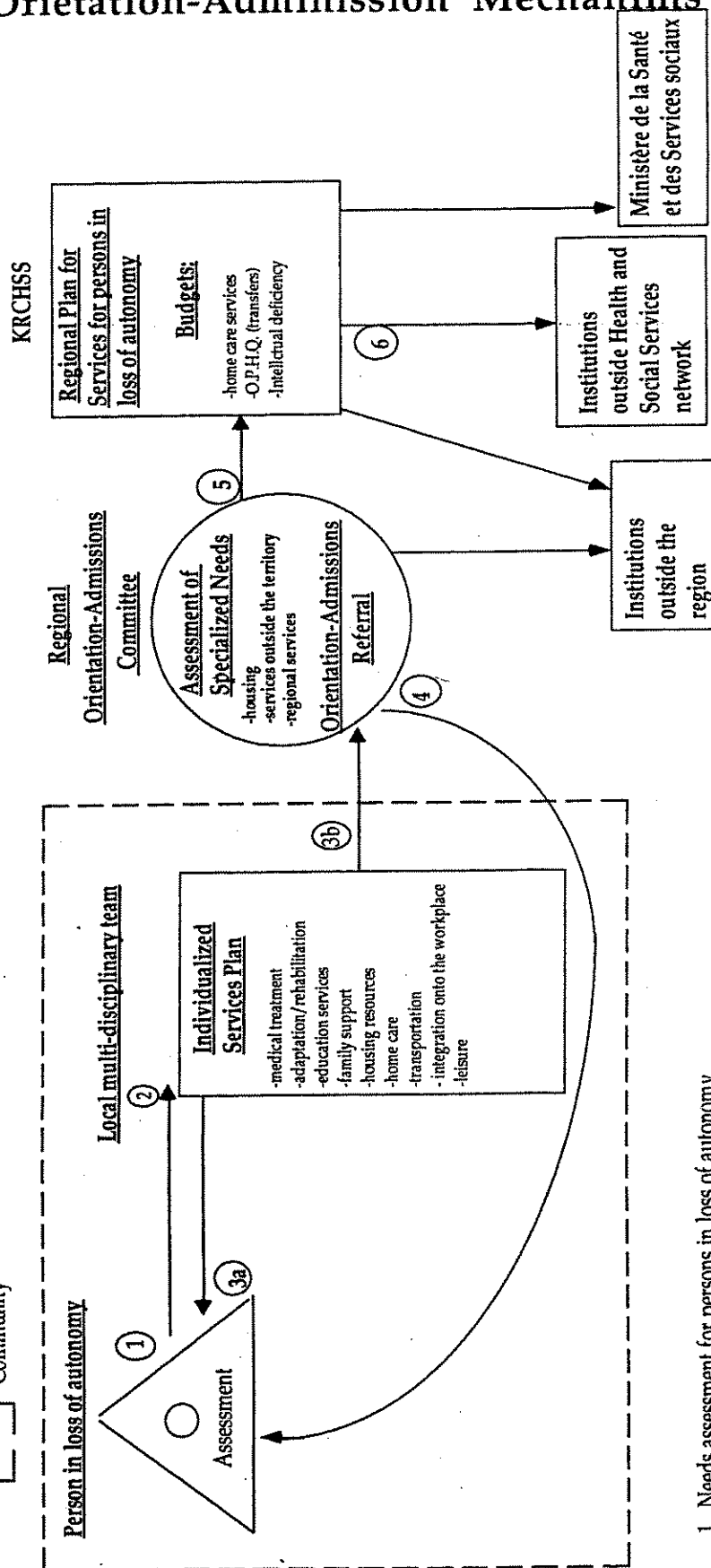
Services for Persons in Loss of Autonomy and their Families

(Physically or intellectually handicapped, elders, persons with persistent psychiatric problems)

○ Persons in loss of autonomy

△ Family

□ Community



1. Needs assessment for persons in loss of autonomy
2. Development of an individualized services plan
- 3a. Intervention measures based on the individualized services plan and available resources.
- 3b. Recommendations to the regional committee for unfulfilled needs.
4. Case study for unfulfilled needs.
5. Proposal for service development.
6. Regional service planning for persons in loss of autonomy

5.3 Strategy to Implement Additional Resources and Budget

5.3.1 Strategy to Implement Additional Resources

The budget required to apply the recommendations of the present regional plan for organizing mental health services will cover a six-year period, beginning with the 1992-1993 fiscal year and ending with the 1997-1998 fiscal year.

It provides for the development of basic services: the hiring of three mental health coordinators the first year and the hiring of three mental health counsellors each year over four years. During the sixth year, we expect to complete our network of mental health counsellors by hiring two other counsellors. The number of coordinators will also be reduced to two, one for each establishment. The local resource person will fill the position of one counsellor; the other position will be filled by one of the mental health counsellors who has been working since the beginning.

As for specialized services, the plan provides for the development of psychiatric consultations in the territory, thanks to an agreement with the CRSSS of Greater Montreal. Additional costs will apply in this area.

An amount has been planned each year for research and training as they are the two mechanisms that have been chosen to ensure the quality of services.

The budget requested is detailed for each fiscal year and by range of services.

5.3.2 Development Budget

It should be noted that budgetary forecasts for professional positions have been calculated according to the categories that appear in Appendix J of the "Working Conditions of the Ministère de la Santé et des Services sociaux." For present needs, employees are considered to be at the bottom of their salary scales; that they have three dependents. They either come from outside of the municipality where they were hired to work, or from within the community.

In either case, we have included social benefits to which they are entitled, as well as relocation allowances and housing allowances. The figures are broken down as follows:

1. Additional costs for persons hired from outside the municipality:

-	Isolation pay	\$9,070
-	Marginal benefits and employer's contribution	\$7,400
-	Cargo	\$3,600
-	3 annual leave trips for 3 persons	\$12,000
-	Business travel	\$10,000
-	House rental	\$36,000
-	Relocation	\$12,755
-	Office space (15m ² @ \$314/m ²)	\$4,710
	Total:	\$95,535

2. Additional costs for persons hired from within the community:

-	Isolation pay	\$9,070
-	Marginal benefits and employer's contribution	\$7,400
-	Cargo	\$3,600
-	Business travel	\$10,000
-	Office space (15m ² @ \$314/m ²)	\$4,710
	Total:	\$38,780

OVERALL BUDGET FROM 1992-1993 TO 1997-1998:

YEAR ONE: GRAND TOTAL (A+B+C+D):	\$976,520
YEAR TWO: GRAND TOTAL (A+B+C+D):	\$1,115,026
YEAR THREE: GRAND TOTAL (A+B+C+D):	\$1,312,183
YEAR FOUR: GRAND TOTAL (A+B+C+D):	\$1,550,507
YEAR FIVE: GRAND TOTAL (A+B+C+D):	\$1,789,031
YEAR SIX GRAND TOTAL (A+B+C+D):	\$1,768,452

**DEVELOPMENT BUDGET FOR THE FIRST YEAR OF THE PLAN:
1992-1993**

A) Prevention, Promotion, Basic Intervention

Human resources:		
-3 coordinators:	$3 \times (\$45,000 + \$95,535) =$	\$421,605
-1 secretary:	$\$25,000 + \$34,780 =$	\$59,780
Office equipment:		
-desks and filing cabinets:	$4 \times \$1,400 =$	\$5,600
-computers:	$2 \times \$5,000 =$	\$10,000
-photocopier:		\$10,000
Travel expenses for coordinators:		\$25,000
Development tools and information material:		
-posters, pamphlets, etc.		\$10,000
-photocopies:		\$2,000
-translation services:		\$10,000
-Printing services:		\$4,000
Other expenses:		
-paper:		\$2,000
-telephone:		\$6,000
Support to local health committees:	$14 \times \$2,000 =$	\$28,000
SUBTOTAL (A):		\$593,985

B) Specialized Services

2 psychiatrists:	
-salary:	RAMQ
-travel in the territory:	RAMQ
-housing:	RAMQ
-north-south travel:	\$20,000

Needs in Specialized Resources:	
-salary:	\$45,000
-other expenses:	\$95,535

Resources in Montreal:	
-1/2 social worker	\$25,000
-1/2 nurse in psychiatry:	\$25,000
-1 or 2 beds in psychiatry:	MSSS
-Administrative costs:	\$32,000
-Communications:	\$10,000

SUBTOTAL (B):	\$252,535
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C) Training

Development of a training program for counsellors:	
-Materials, books, telephone, photocopies, translation:	\$50,000

Development of an education program for the general public and community groups:	
-Materials, books, telephone, photocopies, translation:	\$30,000

SUBTOTAL (C):	\$80,000
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D) Research:

SUBTOTAL(D):

\$50,000

GRAND TOTAL FOR THE FIRST YEAR (A+B+C+D):

\$976,520

**DEVELOPMENT BUDGET FOR THE SECOND YEAR OF THE PLAN:
1993-1994**

A) Prevention, Promotion and Basic Intervention

Recurring budget:

-3 coordinators: $3 \times (\$45,000 + \$95,535) =$	\$421,605
-1 secretary: $\$25,000 + \$34,780 =$	\$59,780
-travel expenses (in the territory):	\$25,000
-paper:	\$2,000
-telephone:	\$6,000
-photocopies:	\$2,000
- translation:	\$10,000
- support to local health committees:	\$28,000

TOTAL: **\$554,385**

Development:

Human resources:

-3 counsellors: $(\$539 \times 52 \text{ weeks}) \times 3 =$	\$84,084
-other costs related to the position: $\$34,780 \times 3 =$	\$104,340

Other costs:

-office equipment and supplies: $\$1,400 \times 3 =$	\$4,200
-telephone and communications: $\$5,000 \times 3 =$	\$15,000
-photocopies and translation: $\$5,000 \times 3 =$	\$15,000

TOTAL: **\$222,624**

SUBTOTAL (A): **\$777,009**

B) Specialized Services

Recurring budget:

2 psychiatrists:	
-salary:	RAMQ
-travel in the territory:	RAMQ
-housing:	RAMQ
-north-south travel:	\$20,000
Needs in specialized resources:	
-salary (1/2 time resource person):	\$23,500
-other expenses:	\$47,767
Resources in Montreal:	
- 1/2 time social worker	\$25,000
- 1/2 time nurse in psychiatry:	\$25,000
- 1 or 2 beds in psychiatry:	MSSS
- administrative costs:	\$32,000
- communications:	\$10,000

TOTAL: **\$183,267**

Development:

- Support to existing human resources working in crisis intervention:	
- support to volunteers	\$20,000
- communication fees or others:	\$50,000

TOTAL: **\$70,000**

SUBTOTAL (B): **\$253,267**

C) Training

Basic training for 3 counsellors (2 months in Salluit)

- Housing and meals: (\$85 x 50 days x 3 pers.) =	\$12,750
- Room rental for course:	\$5,000
- 4 trips during training: (\$500 x 3 x 4) =	\$6,000
- Books and training material:	\$1,000
- Costs for supervision in the municipalities:	\$10,000

SUBTOTAL (C): **\$34,750**

D) Research

SUBTOTAL (D): **\$50,000**

GRAND TOTAL FOR THE SECOND YEAR (A+B+C+D): **\$1,115,026**

**DEVELOPMENT BUDGET FOR THE THIRD YEAR OF THE PLAN:
1994-1995**

A) Prevention, Promotion and Basic Intervention

Recurring budget:

-3 coordinators, secretary and health committees:	\$554,385
-3 counsellors:	\$218,424

TOTAL:	\$772,809
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Development:

-3 counsellors: (\$539 x 52 weeks) x 3 =	\$84,084
-Other costs related to the position: \$34,780 x 3 =	\$104,340

Other costs:

-office equipment and supplies: \$1,400 x 3 =	\$4,200
-telephone and communications: \$5,000 x 3 =	\$15,000
-photocopies and translation: \$5,000 x 3 =	\$15,000

TOTAL:	\$222,624
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SUBTOTAL (A):

B) Specialized Services

Recurring budget

2 psychiatrists:	
-salary:	RAMQ
-travel in the territory:	RAMQ
-housing:	RAMQ
-north-south travel:	\$20,000
Resources in Montreal:	
-1/2 time social worker:	\$25,000
-1/2 time nurse in psychiatry:	\$25,000
-1 or 2 beds in psychiatry:	MSSS
-administrative costs:	\$32,000
-communications:	\$10,000

TOTAL: **\$112,000**

Development:

-Support to existing human resources working in crisis intervention:	
-support to volunteers:	\$40,000
-communication fees or others:	\$50,000

TOTAL: **\$90,000**

SUBTOTAL (B): **\$202,000**

C) Training

Basic training for 3 counsellors (2 months in Salluit)

- Housing and meals: (\$85 x 50 days x 3 persons) =	\$12,750
- Room rental for course:	\$5,000
- 4 trips during training (\$500 x 3 x 4) =	\$6,000
- Books and training material:	\$1,000
- Costs of supervision in the municipalities:	\$10,000

Continued training for counsellors and intervention workers in the network: \$30,000

SUBTOTAL (C): \$64,750

D) Research

SUBTOTAL (D): \$50,000

GRAND TOTAL FOR THE THIRD YEAR (A+B+C+D): \$1,312,183

**DEVELOPMENT BUDGET FOR THE FOURTH YEAR OF THE PLAN:
1995-1996**

A) Prevention, Promotion and Basic Services

Recurring budget:

-3 coordinators, secretary and health committees:	\$554,385
-6 counsellors	\$436,848

TOTAL: **\$991,233**

Development:

-3 counsellors: (\$539 x 52 weeks) x 3 =	\$84,084
-other costs related to the position: \$34,780 x 3 =	\$104,340

Other costs:

-office equipment and supplies: \$1,400 x 3 =	\$4,200
-telephone and communications: \$5,000 x 3 =	\$15,000
-photocopies and translation: \$5,000 x 3 =	\$15,000

TOTAL: **\$222,624**

SUBTOTAL (A): **\$1,213,857**

B) Specialized Services

Recurring budget:

2 psychiatrists:

-salary:	RAMQ
-travel in the territory:	RAMQ
-housing:	RAMQ
-north-south travel:	\$20,000

Resources in Montreal:

-1/2 time social worker	\$25,000
-1/2 time nurse in psychiatry:	\$25,000
-1 or 2 beds in psychiatry:	MSSS
-administrative costs:	\$32,000
-communications:	\$10,000

TOTAL: **\$112,000**

Development:

Support to existing human resources working in crisis intervention:

-support to volunteers:	\$60,000
-communication fees or others:	\$50,000

TOTAL: **\$110,000**

SUBTOTAL (B): **\$222,000**

C) Training

Basic training for 3 counsellors (2 months in Salluit)

-Housing and meals: (\$85 x 50 days x 3 pers.) =	\$12,750
-Room rental for course:	\$5,000
-4 trips during training: (\$500 x 3 x 4) =	\$6,000
-Books and training material:	\$1,000
-Costs of supervision in the municipalities:	\$10,000

Continued training for counsellors and intervention workers in the network: \$30,000

SUBTOTAL (C): \$64,750D) Research**SUBTOTAL (D): \$50,000****GRAND TOTAL FOR THE FOURTH YEAR (A+B+C+D): \$1,550,507**

**DEVELOPMENT BUDGET FOR THE FIFTH YEAR OF THE PLAN:
1996-1997**

A) Prevention, Promotion and Basic Intervention

Recurring budget:

-3 coordinators, secretary and health committees:	\$554,385
-9 counsellors:	\$655,272

TOTAL:	\$1,209,657
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Development:

-3 counsellors: (\$539 x 52 weeks) x 3 =	\$84,084
-other costs related to the position: \$34,780 x 3 =	\$104,340

Other costs:

-office equipment and supplies: \$1,400 x 3 =	\$4,200
-telephone and communications: \$5,000 x 3 =	\$15,000
-photocopies and translation: \$5,000 x 3 =	\$15,000

TOTAL:	\$222,624
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SUBTOTAL (A):	\$1,432,281
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B) Specialized Services

Recurring budget:

2 psychiatrists:	
-salary:	RAMQ
-travel in the territory:	RAMQ
-housing:	RAMQ
-north-south travel:	\$20,000
Resources in Montreal:	
-1/2 time social worker:	\$25,000
-1/2 time nurse in psychiatry:	\$25,000
-1 or 2 beds in psychiatry:	MSSS
-administrative costs:	\$32,000
-communications:	\$10,000

TOTAL: **\$112,000**

Development:

Support to existing human resources working in crisis intervention:	
-support to volunteers:	\$80,000
-communication fees or others:	\$50,000

TOTAL: **\$130,000**

SUBTOTAL (B): **\$242,000**

C) Training

Basic training for 3 counsellors (2 months in Salluit)

-Housing and meals: (\$85 x 50 days x 3 pers.) =	\$12,750
-Room rental for course:	\$5,000
-4 trips during training (\$500 x 3 x 4) =	\$6,000
-Books and training material:	\$1,000
-Costs of supervision in the municipalities:	\$10,000

Continued training for counsellors and intervention workers in the network: \$30,000

SUBTOTAL (C): \$64,750

D) Research

SUBTOTAL (D): \$50,000

GRAND TOTAL FOR THE FIFTH YEAR (A+B+C+D): \$1,789,031

**DEVELOPMENT FOR THE SIXTH YEAR OF THE PLAN:
1997-1998**

A) Prevention, Promotion and Basic Services

Recurring budget:	
-2 coordinators, secretary and health committees:	\$369,590
-12 counsellors:	\$873,696

TOTAL: **\$1,243,286**

Development	
-2 counsellors: (\$539 x 52 weeks) x 2 =	\$56,056
-other costs related to the position: \$34,780 x 2 =	\$69,560

Other costs:	
-office materials: \$1,400 x 2 =	\$10,000
-telephone and communications: \$5,000 x 2 =	\$10,000
-photocopies and translation: \$5,000 x 2 =	\$10,000

TOTAL: **\$148,416**

SUBTOTAL (A): **\$1,391,702**

B) Specialized Services

Recurring budget:

2 psychiatrists:

-salary:	RAMQ
-travel in the territory:	RAMQ
-housing:	RAMQ
-north-south travel:	\$20,000

Resources in Montreal:

-1/2 time social worker:	\$25,000
-1/2 time nurse in psychiatry:	\$25,000
-1 or 2 beds in psychiatry:	MSSS
-administrative costs:	\$32,000
-communications:	\$10,000

TOTAL: **\$112,000**

Development:

Support to existing human resources working in crisis intervention:

-support to volunteers:	\$100,000
-communications fees or others:	\$50,000

TOTAL: **\$150,000**

SUBTOTAL (B): **\$262,000**

C) Training

Basic training for 3 counsellors (2 months in Salluit)

-Housing and meals: (\$85 x 50 days x 3 pers.) =	\$12,750
-Room rental for course:	\$5,000
-4 trips during training (\$500 x 3 x 4) =	\$6,000
-Books and training material:	\$1,000
-Costs for supervision in the municipalities:	\$10,000

Continued training for counsellors and workers in the network: \$30,000

SUBTOTAL (C): \$64,750

D) Research

SUBTOTAL (D): \$50,000

GRAND TOTAL FOR THE SIXTH YEAR (A+B+C+D): \$1,768,452

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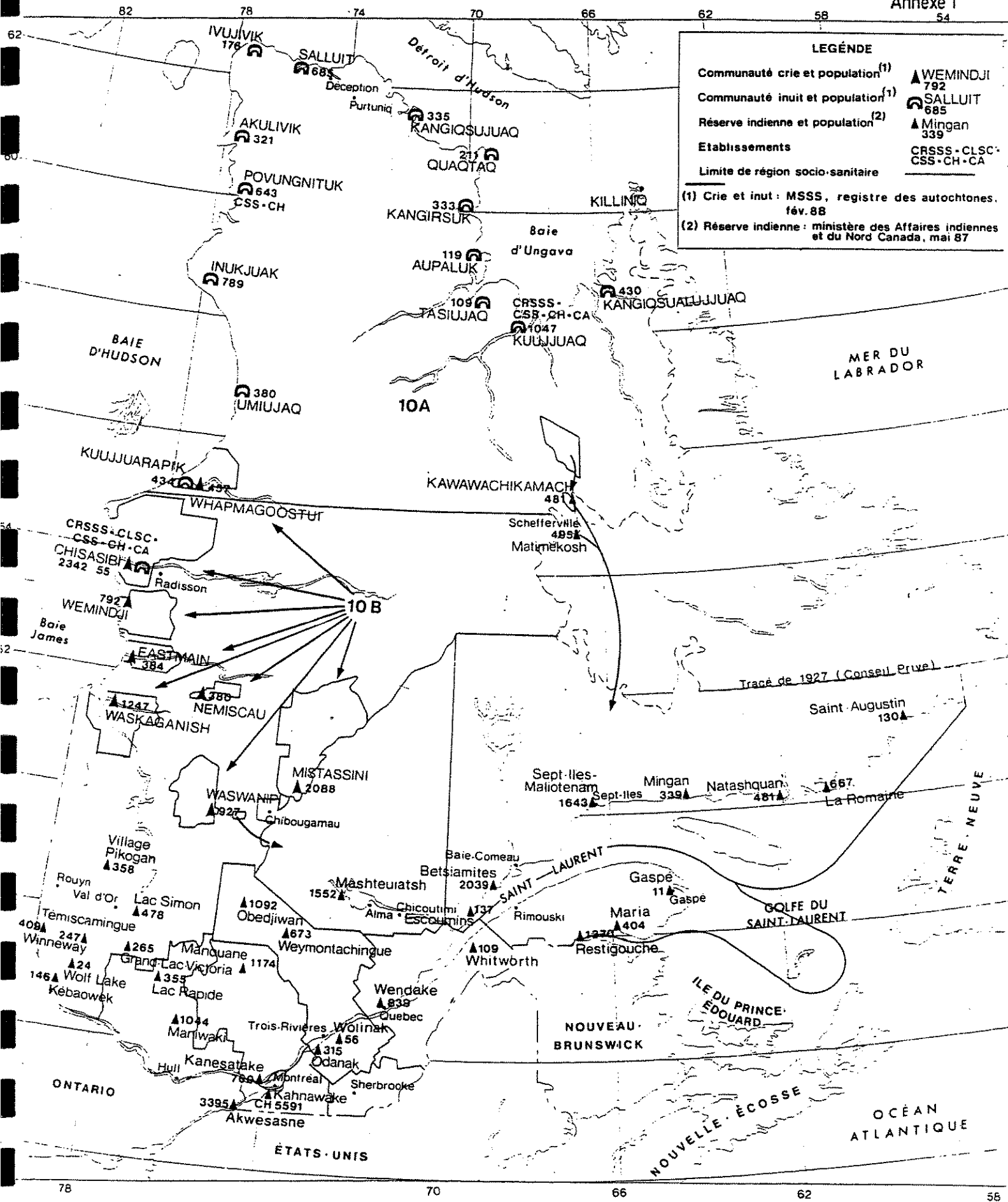
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APPENDICES

LOCALISATION DES COMMUNAUTÉS AMÉRINDIENNES ET INUIT DU QUÉBEC



Annexe 1



	A	B	C	D	E	F	G	H	I	J	K
1	Communauté	F	F	F	F	F	F	F	F	F	F
2		0 - 4	5 - 9	10 - 14	15 - 19	20 - 24	25 - 29	30 - 34	35 - 39	40 - 44	45 - 49
3	Akulivik	18	31	19	16	10	14	11	9	6	3
4	Aupaluk	7	4	10	9	6	6	2	1	3	2
5	Inukjuak	69	47	32	57	41	38	26	16	14	16
6	Ivujivik	17	16	19	14	15	7	12	4	6	1
7	Kanglqsualu	34	18	24	19	23	24	13	7	9	8
8	Kanglqsulua	30	32	20	28	15	20	15	8	9	4
9	Kangirsuk	23	17	21	21	23	8	8	9	8	2
10	Kuujuaq	83	62	77	54	55	39	30	31	21	10
11	Kuujuaqapi	26	19	17	23	21	26	16	7	6	5
12	Povungnituk	66	75	56	52	34	31	27	24	15	11
13	Quaqtaq	13	17	10	13	14	8	6	2	2	2
14	Salluit	54	42	42	39	44	31	17	16	12	10
15	Tapangayuk	3	3	3	1	2	1	1	2	1	0
16	Tasiujaq	13	10	6	11	7	8	4	3	3	1
17	Umiujaq	13	18	19	12	15	4	6	9	6	7
18	TOTAL	469	411	375	369	325	265	194	148	121	82
19	Communauté	M	M	M	M	M	M	M	M	M	M
20		0 - 4	5 - 9	10 - 14	15 - 19	20 - 24	25 - 29	30 - 34	35 - 39	40 - 44	45 - 49
21	Akulivik	25	28	21	18	14	16	11	10	6	3
22	Aupaluk	14	9	5	7	9	7	2	3	1	0
23	Inukjuak	87	73	60	46	60	37	20	19	11	15
24	Ivujivik	14	19	14	17	9	10	6	10	5	3
25	Kanglqsualu	39	24	25	27	29	14	11	8	10	7
26	Kanglqsulua	40	25	24	28	16	16	10	8	5	2
27	Kangirsuk	19	19	28	25	12	10	8	7	7	4
28	Kuujuaq	63	83	53	68	65	36	44	33	17	12
29	Kuujuaqapi	25	24	19	24	25	30	20	13	7	4
30	Povungnituk	65	74	58	55	38	38	34	21	18	12
31	Quaqtaq	21	13	7	11	10	12	7	4	1	2
32	Salluit	59	46	55	42	36	27	20	12	11	8
33	Tapangayuk	1	3	7	2	2	3	2	2	1	0
34	Tasiujaq	11	7	11	7	3	10	3	5	1	2
35	Umiujaq	15	16	17	25	14	10	5	5	6	2
36	TOTAL	498	463	404	402	342	276	203	160	107	76
37	Communauté	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL
38		0 - 4	5 - 9	10 - 14	15 - 19	20 - 24	25 - 29	30 - 34	35 - 39	40 - 44	45 - 49
39											
40	Akulivik	43	59	40	34	24	30	22	19	12	6
41	Aupaluk	21	13	15	16	15	13	4	4	4	2

	A	B	C	D	E	F	G	H	I	J	K
42	Inukluak	156	120	92	103	101	75	46	35	25	31
43	Ivujuvik	31	35	33	31	24	17	18	14	11	4
44	Kangiqsuallu	73	42	49	46	52	38	24	15	19	15
45	Kangiqsuajua	70	57	44	56	31	36	25	16	14	6
46	Kangirsuk	42	36	49	46	35	18	16	16	15	6
47	Kuujuuaq	146	145	130	122	120	75	74	64	38	22
48	Kuujuuarapi	51	43	36	47	46	56	36	20	13	9
49	Povungnituk	131	149	114	107	72	69	61	45	33	23
50	Quaqtaq	34	30	17	24	24	20	13	6	3	4
51	Salluit	113	88	97	81	80	58	37	28	23	18
52	Tapangayuk	4	6	10	3	4	4	3	4	2	0
53	Taslujaq	24	17	17	18	10	18	7	8	4	3
54	Umiujaq	28	34	36	37	29	14	11	14	12	9
55											
56	TOTAL	967	874	779	771	667	541	397	308	228	158
57											
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	L	M	N	O	P	Q	R	S	T	U	V
1	F	F	F	F	F	F		F			
2	50 - 54	55 - 59	60 - 64	65 - 69	70 - 74	75 +		TOTAL			
3	3	5	4	1	4	1		155			
4	5	0	1	0	0	0		56			
5	21	15	11	2	1	7		413			
6	4	4	0	0	1	2		122			
7	5	2	4	2	0	3		195			
8	6	3	3	4	1	1		199			
9	9	4	2	4	1	6		166			
10	10	18	4	4	5	6		509			
11	12	7	4	3	2	2		196			
12	7	10	11	4	4	2		429			
13	6	2	1	1	1	1		99			
14	12	9	3	1	2	1		335			
15	0	2	0	0	0	0		19			
16	2	1	3	1	0	0		73			
17	5	4	2	2	0	1		123			
18	107	86	53	29	22	33		3089	3089		
19	M	M	M	M	M	M		M			
20	50 - 54	55 - 59	60 - 64	65 - 69	70 - 74	75 +		TOTAL			
21	6	2	2	3	1	2		168			
22	1	3	1	2	0	0		64			
23	20	10	9	5	3	2		477			
24	5	6	2	1	1	1		123			
25	6	3	4	1	4	1		213			
26	5	2	4	1	2	0		188			
27	3	7	3	3	0	1		156			
28	22	11	7	7	2	1		524			
29	7	11	3	6	4	0		222			
30	12	13	4	2	5	3		452			
31	3	3	2	0	1	0		97			
32	10	11	4	3	3	2		349			
33	1	1	1	0	0	0		26			
34	2	2	0	1	0	0		65			
35	6	3	1	3	1	0		129			
36	109	88	47	38	27	13		3253	3253		
37	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL		POPULATION			
38	50 - 54	55 - 59	60 - 64	65 - 69	70 - 74	75 +		TOTAL			
39											
40	9	7	6	4	5	3		323			
41	6	3	2	2	0	0		120			

	L	M	N	O	P	Q	R	S	T	U	V
42	41	25	20	7	4	9		890			
43	9	10	2	1	2	3		245			
44	11	5	8	3	4	4		408			
45	11	5	7	5	3	1		387			
46	12	11	5	7	1	7		322			
47	32	29	11	11	7	7		1033			
48	19	18	7	9	6	2		418			
49	19	23	15	6	9	5		881			
50	9	5	3	1	2	1		196			
51	22	20	7	4	5	3		684			
52	1	3	1	0	0	0		45			
53	4	3	3	2	0	0		138			
54	11	7	3	5	1	1		252			
55											
56	216	174	100	67	49	46		6342	6342		
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Consultations completed for
Kativik CRSSS Mental Health Needs Assessments
November 1989 - November 1990

In region consultations

Social Services, Kuujuaq/Ungava Bay

Jean Gratton
Louisa May
Dorothy Mesher
Lizzie Gordon
Sally Chislett
Jacob Partridge
Lollee Annahatak

Social Services, Povungnituk/Hudson Bay

Annie Kenuayuak
Yvan Rioux

Hospital/Ungava Bay

Gilles Plante
Dr. Normand Tremblay
Dr. Danielle Mercier
Dr. Vilay Loungrath
Dr. Odette Blier
Dr. Joanne LeBeau
Dr. Daniel Arseneault
Francis Picarou

Ungava Bay Hospital, Katimanik Nurses Training (November 12, 1990)

François Luc Paré, Tasiujaq
Jean François Leduc, Kangirsuk
Cécile Michaud, Kangirsualujuaq
Claire Boulanger, Quaqtaq
Céline Lemieux, Kangisujuaq

Ungava Bay Hospital, Katimanik Training (November 19, 1990)

Cyrithe Villeneuve, Kangisujuaq
Suzanne Dupuis, Quaqtaq

Chantal Cloutier, replacement
Mario Grenier, replacement
Danielle Fortier, Kangirsuk
Catherine Ranger, Equipe volante, replacement

Hospital, Inuulitsivik/Hudson Bay

Aani Tulugak
Dr. Michel Lambert
Antonio Masone
Carole Beaulne
Michele Dube
Johanne Coulombe
Brigette LaGault
Serge Auclair
Barbara Kemeny

Nunaliuqait Ikaiugatiit

Kitty Pearson
Sheila Partridge

Kativik School Board

Meeting with Special Ed. Teachers and Student Counsellors (Ped. days October 1990)

Jessie Clunas
Mary Baron
Susie Emudluk
Betsy Matt
Elisapee Weetaluktuk
Sarah Bennet
Jessica Arngnak
Rhoda Alupa
Mary Elijasiapik
Emily Ohaituk
Susie Cain
Susie Toomaasi

Probation Department

Linda Boudreault, Ungava Bay
Donald Johnson, Hudson Bay

Native Courtworker/Ungava Bay

Sandy Saunders

Office for the Protection of the Rights of Youth

Michele Morel

Consultant to CRSSS on Drug and Alcohol Abuse

Sheila Cloutier

Sûreté du Québec

Cpl. Robert Chalifoux, Ungava Bay

Nunavik Education Task Force

Sheila Cloutier
Josephie Padlayat

Manpower Program/KRG

Claire Mailhot

Makivik Corporation

Jean Dupuis
Teddy Shoman

CRSSS Team Community Consultation - Taslujaq

Municipal Council:	Tommy Cain Charlotte Angnatuk Johnny Munick Willie Cain Rhoda Kritik Lydia Nayome
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Health Committee:	Martha Saloatseak Elizabeth Kritik Eva Kritik
-------------------	---

Maggie Cain
Mae Mosesiapik
Lydia Nayome

School: Gordon Cobain
Carol Leclaire
Monique Gwyn
Susie Cain
Monique Legault
Peter Stewart
Kitty M. Angnatuk

Nursing Station: François Luc Paré
Pasha Berthe

Social Assistant: Pasha Berthe

Youth Committee: Tommy Cain Jr.
Kitty Cain

Sûreté du Québec: Tommy Cain Jr.

Nunaituqait Ikajuqatiitut: Alice Berthe
Sarah Cain

Open community meeting: approximately 27 persons in attendance, a list of names is not available.

CRSSS Team Community Consultation - Salluit

Municipal Council: Paulusie Padlayat
George Kakayuk
Martha Angutigirk
Ida Angutigirk
Katsuak Angutigirk

Health Committee: Eva Pauyungie
Adamie Alaku

Community Workers: Eva Quannanack
Martha Angutigirk

Education Committee: Susie Alaku
Eva Sakiagak
Eva Quannanack

Nursing Station: Joanne Mercier
Andree Morin

Guy Marangère
Susie Iisitik
Maggie Pauyungie

Open community meeting: approximately 25 persons in attendance, a list of names is not available.

CRSSS Team Community Consultation - Kuujjuarapik

Municipal Council:	Sappa Fleming Peter Papialuk Paulosie Napartuk
Health Committee:	Jacob Tukuluk Sammy Milurtuk Akuliak Ayagutak Jeannie Milurtuk Lizzie Palliser (Inukjuak)
Community Workers:	Louisa Fleming Sarah Hunter
Nursing Station:	Dr. Tinh Van Doung Sylvie Bédard François LeBlanc Esther Morin Louisa Surusilla Davidee Fleming
Education Committee:	Jeremiah Sala Willy Angnutiguluk Louisa Angnutiguluk

CRSSS Team Community Consultation - Povungnituk

Municipal Council: Paulusi Angiyu

Combined Resource and Community meeting: (February 1990)

Aisa Koperqualuk
Paulusi Kanayuk
Mina Qimiayuak
Aisa Koperqualuk, Reverend, Anglican Church, Health Committee
Paulusi Kanayuk, Health Committee
Mina Qimiayuak, Student Counsellor
Eva Quannanack, Community Worker, Salluit

Anna Putuguk , Home Care client
 James Nassak, Anglican Church Priest
 Martha Aupaluk, Community member, interest in Mental Health issues
 Eli Qinuajuak, Community Worker, Povungnituk
 Winnie Tukulak, Community Worker, Povungnituk
 Mary Sallualuk, Hearing and Otitis Program
 Lydia Novalinga, Hearing and Otitis Program
 Nellie Tookaluk, Hearing and Otitis Program
 Johanne Coulombe, Training Agent
 Brigitte LeGault, Training Agent
 Martha Amagoalik, Mother of deaf child, worked as beneficiary attendant
 Annie O. Kenuayuak, Director, Social Services
 Martine St-Germain, Dental Hygienist
 Emily Novalinga, Teacher, Deaf Children
 Lucy Angiyau, Beneficiary attendant team
 Aani Tulugak, General Manager, Inuulitsivik

Open community meeting with Hospital Staff: (July 1990) approximately 25-30 persons in attendance, a list of names is not available, persons in attendance were a mix of hospital workers and the general community.

Community Consultation - Kuujuaq

Social Services:	(see list of names, page 1)
Angnautik (Women's group):	Malee Saunders Maggie Berthe
Kativik School Board:	Alice Berthe Soree Muller Eva Lapage (Adult Education - also met with instructors and students)
Education Committee:	(meeting, January 23, 1990)
Youth Committee:	Sammy Duncan Edward Mesher George Berthe
Community Projects:	Johnny Adams (Counselling line & Community Center) Peter Adams (Youth Committee)

Consultations with Southern Resources

Montreal General Hospital. Patient Services

Nancy Anderson
Jeanette Deyell
Caroline Oblin

Douglas Hospital Centre Montreal

Dr. Gert Morgenstern
Dr. T.S. Callanan
Dr. J.A. O'Neil

Telephone Hotline for Inuit Survivors of Sexual Abuse

"Louise" (fictional name for woman who provides the hotline)

Psychiatric Consultations

Dr. Lawrence Kirmayer, consultant to Inuulitsivik
Dr. Michele LaRose, consultant to Ungava Bay Hospital Centre

Kativik School Board

Annie Popert
Doris Winkler
Caroline Palliser
Judy McArthur
Mary Elijassiapik
Jill Brook-Howden
Soree Muller

Community Workers Training Program, McGill University School of Social Work

Liesel Urtnowski

NNADAP, Health and Welfare Canada, Ottawa

Henri Tremblay

Office of Special Advisor, Mental Health, Indian and Northern Services, Ottawa

Dr. Brenda Wattie
Francine Knoops

Native Mental Health Association (attended conference, September 1990)

Dr. Claire Brant, Chairman

Pauktuutit, Inuit Women's Association

Martha Greig
Rosemarie Kuptana
Linda Archibauld

Tungasuvvingat Inuit (Drop-in Center), Ottawa

Morgan Hare

Native Women's Shelter of Montreal

Anita Pratt

Consultation with Human Service Resources in Iqaluit, N.W.T. (on-site)

Isumaqsunngittut (Youth Detention Center)

Peter Genest-Conway
Robert Cook

Group Homes (Adult and Child)

Andy and Janet Arnould

Nataraq's Place (Women's Shelter)

Lyn Johnson

Iqaluit Kamatsiaqtut Crisis Line

Josh Teemotee
Sheila Levy
Errol Fletcher

Baffin Island Social Services

Jackie Sorenson

Telephone Consultation with Out-of-Region Mental Health Programs:

Alcohol, Drugs and Community Mental Health, Yellowknife, N.W.T.

Jo MacQuarrie

Kingait Aulatsivik (counselling center), Cape Dorset

Aksa Tungua
Arnasuk Laisa

Number of Deaths by Suicide

Kativik region (1987-1990)

Year	Hudson Bay Area		Ungava Bay area		Total in year
	Male	Female	Male	Female	
1987	3 (age: 22,21,18)	0	0	0	3
1988	1 (age: 35)	1 (age: 23)	0	0	2
1989	0	1 (age: 15)	1 (age: 35)	3 (age: 20, 19, 17)	5
1990	1 (age: 19)	0	4 (age: 23, 23, 21, 12)	1 (age: 18)	6
Total	5	2	5	4	16

Age groups represented over 4 year period

0-9	10-14	15-19	20-24	25-29	30-34	35-39	40+
0	1	6	7	0	0	2	0

Number of Deaths by Suicide
Kativik region
1991

Hudson Bay Coast
suicides reported from January 1st to September 15th, 1991
Amount: 9 (from which 5 in Povungnituk)
Age: between 14 and 21 (average of 17 years of age)

Ungava Bay Coast
suicides reported from January 1st to October 30, 1991
Amount: 1 (in Aupaluk)
Age: 23 (female)

suicide attempts reported	Jan/90 to Jan.91	Jan/91 to Oct. 19/91
Salluit	5	7
Ivujivik	5	4
Akulivik	1	1
Povungnituk	4	10
Inukjuak	9	5
Umiujaq	1	1
Kuujjuarapik	0	2
TOTAL	25 (1 year)	30 (8 months)

suicide attempts reported
3 hospitalized for attempts
3 out-patient cases for attempts

LIST OF INUIT HOSPITALIZED FOR PSYCHIATRIC PROBLEMS

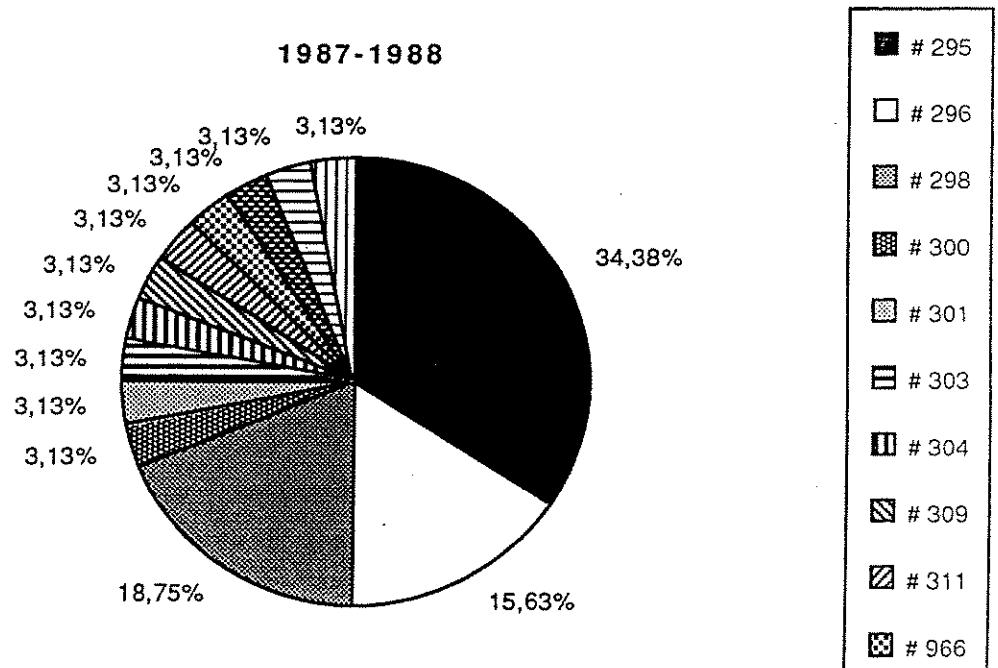
Financial year - 1988-1989

Diagnosis	Age
Depressive neurosis	60
Obsessive-compulsive behavior	64
Psychosis (paranoia)	23
Psychosis (general)	35
Neurosis	35

Appendix 6: Total number of hospitalizations per year and categories of mental health problems¹

This report presents data with regard to hospitalizations for mental health problems. It covers the two hospitals in the Kativik region. It includes a brief presentation of the main diagnoses that appear in **Med Echo** for hospitalizations in mental health; the number of hospitalization days per year; and an average length of stay (in days).

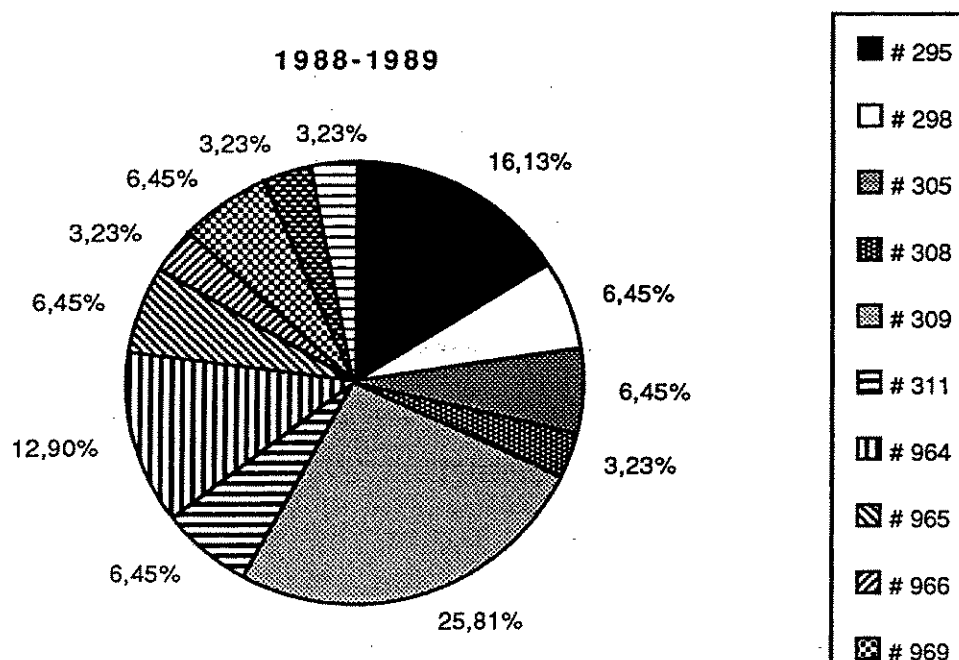
Figure 1: Hospitalizations in mental health, 1987-1988



As indicated in **figure 1**, most of the hospitalization cases are for the following diagnoses: # 295 (schizophrenic psychoses 34,38%), # 298 (other non-organic psychoses 18,75%) et # 296 (affective psychoses 15,63%). In 1987-1988, 32 persons were hospitalized in the two hospitals of the KRCHSS, for a total of 276 hospitalisation days. This gives an average of 8,6 days of hospitalization per person.

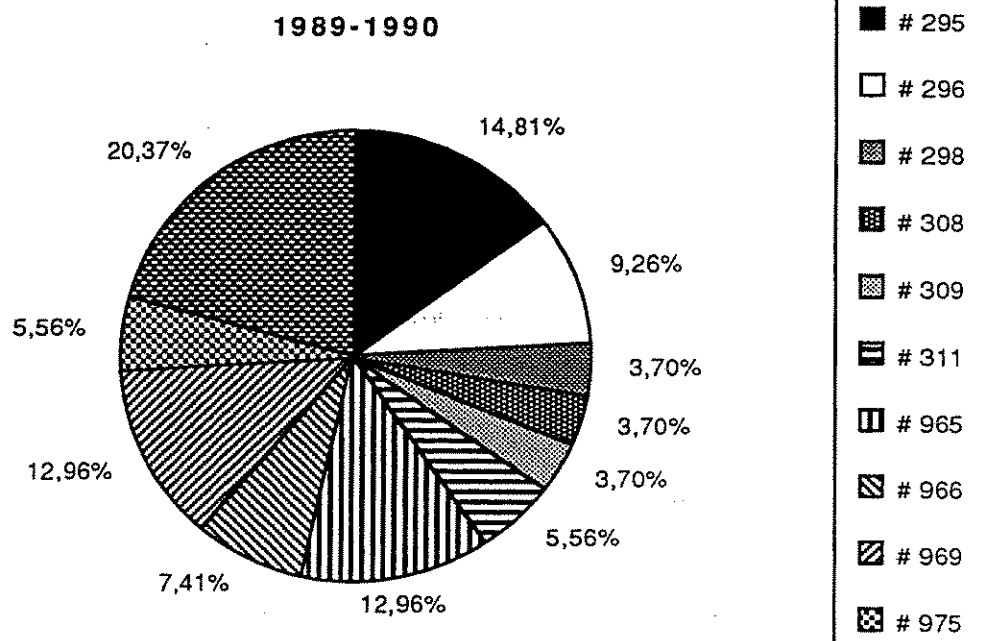
¹ Document prepared by Marc Riopel, methodological advisor at Kativik RCHSS.

Figure 2: Hospitalizations and mental health, 1988-1989



In 1988-1989, the situation is different as indicated in figure 2. Two major mental health problems appear: # 309 (Troubles de l'adaptation 25,81%) et # 295 (schizophrenic psychoses 16,13%). During that year, 31 persons were hospitalized in mental health for a total of 226 days, and an average of 7,3 hospitalization days per person.

Figure 3: Hospitalizations in mental health, 1989-1990



For this figure, 11 items have been put together to facilitate the analysis of the data. These 11 diagnoses (the least important if we talk about numbers) represent 20,37% of the hospitalization cases. If we exclude these diagnoses, it appears in **figure 3** that hospitalizations for mental health problems are mainly for: # 295 (schizophrenic psychoses 14,81%), # 965 (Intoxication by analgesic, antipyretic and antiinflammatory agents 12,96%), # 969 (intoxication by psychotropic agents 12,96%) et # 296 (affective psychoses 9,26%). 54 persons had been hospitalized for a total of 452 days, with an average of 8,4 days per person.

Summary:

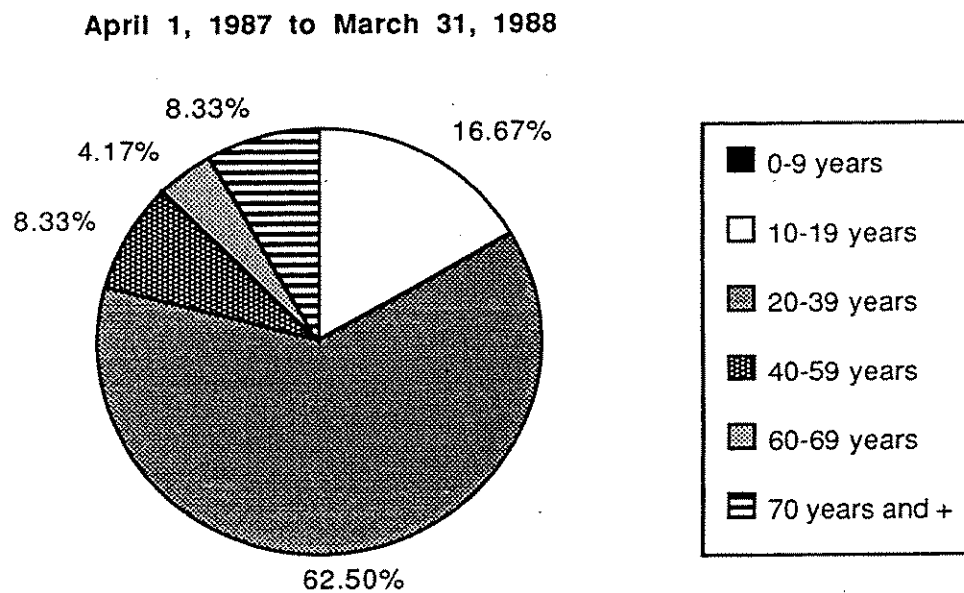
Two major points can be highlighted from this data: the first one concerning the length of the stay at the hospital for mental health problems and the second about the reasons for the hospitalizations. The number of persons hospitalized for mental health problems increased from 32 in 1987-1988 to 54 in 1989-1990. Concerning the total number of hospitalization days for mental health problems it remained approximatively the same (respectively 8,6 and 8,4). In 1988-1989, the total number of persons hospitalized for mental health problems was 31 and the average of hospitalization days 7,3 per person.

If we look to the diagnoses associated with hospitalizations we see that schizophrenic psychoses (# 295) recur every year; we have psychoses affective cases (# 296) in 1987-1988 and in 1989-1990. In the last year a new problem emerges, that of intoxication (# 965 and 969).

Total number of hospitalization cases by age groups

In this section, we present the number of hospitalization cases for mental health problems by age groups. This data is presented on a graph indicating the percentage per age group. We have to note that nobody has been hospitalized for mental health problems in the 0-9 years old group. This observation remains for the analysis of the three following figures. The covered period is from April, 1st to March 31.

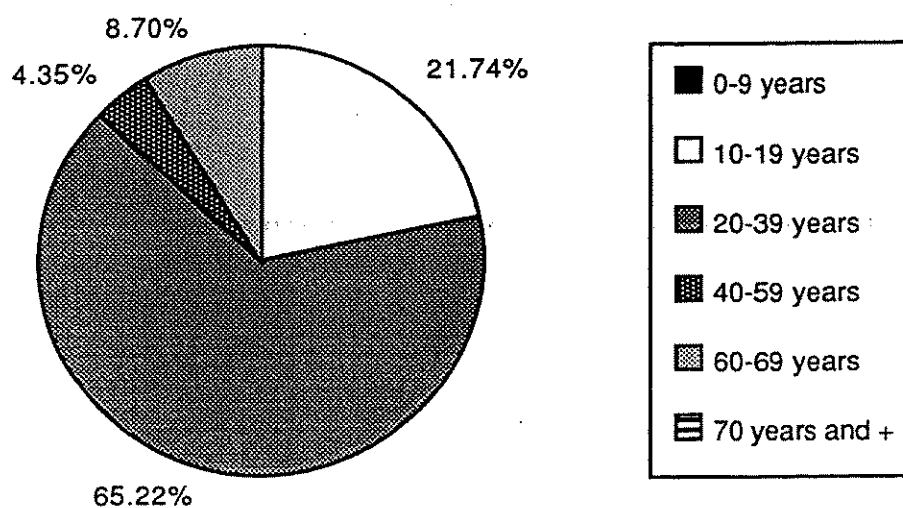
Figure 4: Age Groups and %, 1987-1988



It appears in figure 4 that most of the persons hospitalized for mental health problems (62,5%) are in the 20-39 age group. The second group is the 10-19 age group with 16,67%; the 40-59 age group and the 70 and more are ex-aequo with 8,33%; and the 60-69 age group is the last one with 4,17%. A total of 24 persons have been hospitalized for a mental health problem in 1987-1988 on the Kativik territory. Mental health problems are responsible of 3,77% all hospitalization cases..

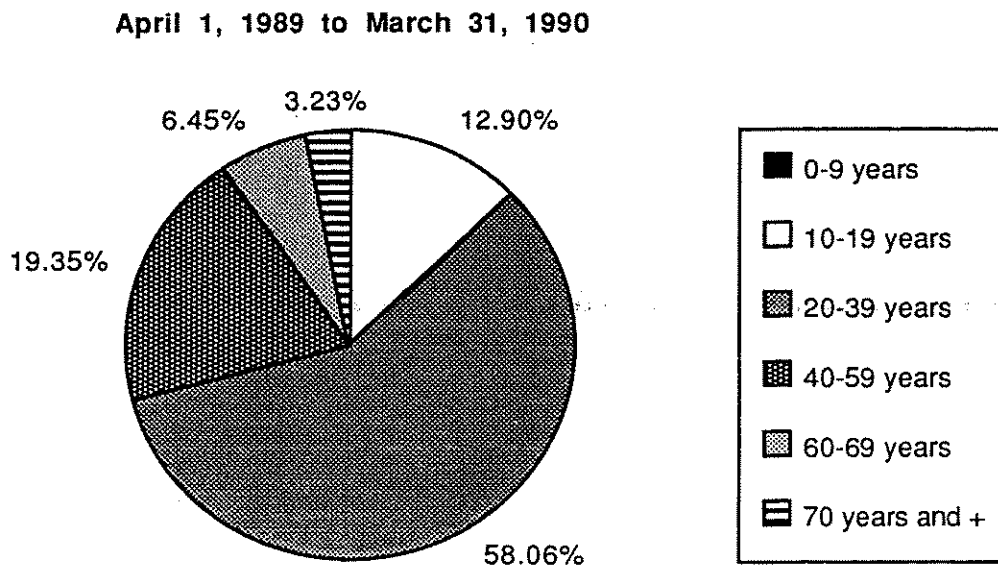
Figure 5: Age group and %, 1988-1989

April 1, 1988 to March 31, 1989



In 1988-1989, we see that the most important group is the 20-39 years old with 65,22%, followed by the 10-19 age group with 21,74%. Besides we can see changes in the other age groups. First, we don't have any person hospitalized for mental health problems in the 70 and plus group. Also, the order is reversed for two age groups: the 60-69 age group is now in the third position with 8,70% and the 40-59 year old comes in the last position with 4,35%. That year, 23 persons were hospitalized for mental health problems. It represents 3,48% of all hospitalizations on the territory

Figure 6: Age groups and %, 1989-1990



In 1989-1990, the situation by age group is different. The 20-39 age group is again in first place but the percentage is reduced to 58,06%. That year the second age group is the 40-59 years old with 19,35%, followed by the 10-19 group age with 12,90%. The 60-69 group comes in fourth position with 6,45% and the 70 and group age is the last one with 3,23%. A total of 31 persons were hospitalized for mental health problems. This represents 3,64% of all hospitalizations on the Kativik territory.

Regrouping by diagnosis of mental health problems

In this section we have made regroupment by type of diagnosis: **psychotic states** (# 290 to # 294); **other psychoses** (# 295 to # 299); **Troubles névrotiques de la personnalité et autres non psychotiques** (# 300 à # 316); and **Intoxications médicamenteuse et non médicamenteuse** (# 964 à # 981). A thing to consider is that in 1987-1988 and 1988-1989, there were not hospitalization cases for psychotic states.

Figure 7: Regroupments 1987-1988

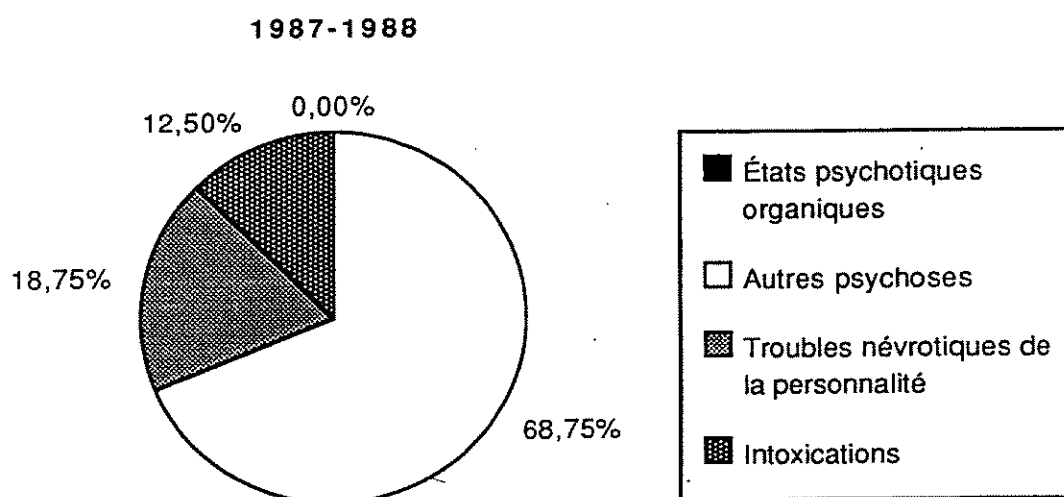


Figure 8: Regroupements 1988-1989

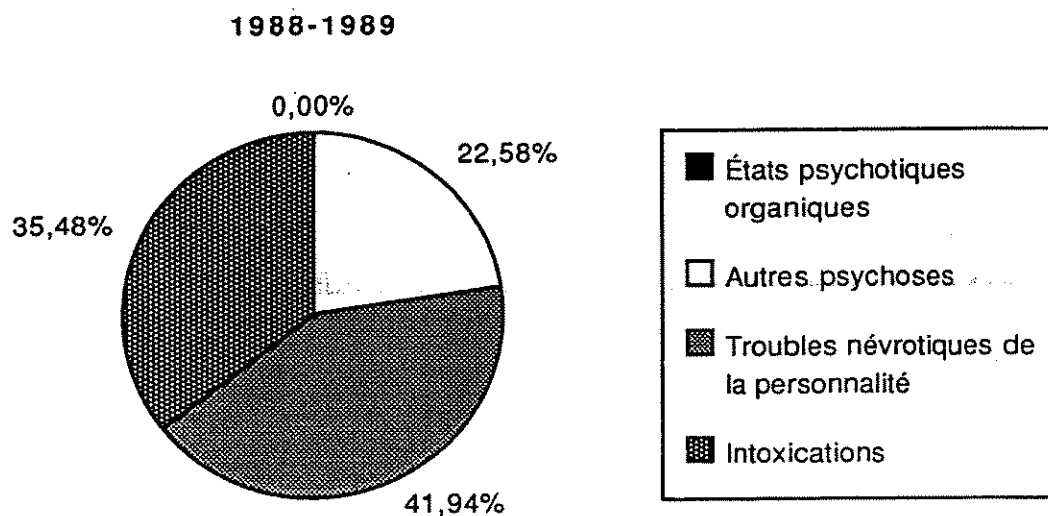
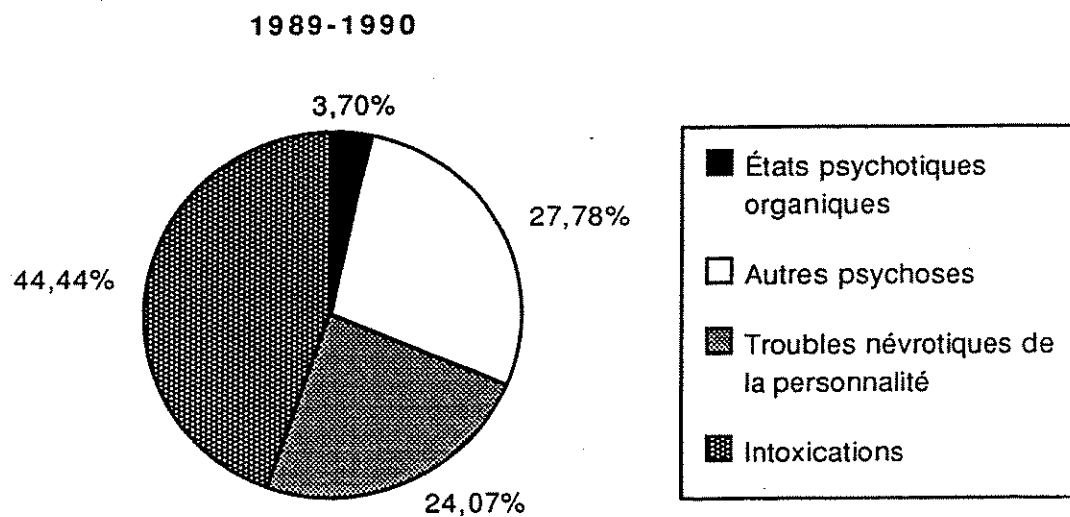


Figure 9: Regroupements 1989-1990



ANNEX "19"

**TABLE 7 - ABORIGINAL PEOPLE AND THE ADMINISTRATION OF JUSTICE
(SUBJECT 2.4)**

SYNTHESIS OF THE PROPOSITIONS

ENGLISH VERSION

**TABLE 7 - ABORIGINAL PEOPLE AND THE ADMINISTRATION OF JUSTICE
(SUBJECT 2.4)**

Training and Information: Handbook of Aboriginal Customs having an Incidence on the Control of Social Order

PROP. NO.: I. 730

PROPOSAL:

It is expedient to immediately compile a handbook of Aboriginal customs and traditions having an incidence on the control of social order in Aboriginal nations. Could such customs and traditions be "codified"? That would no doubt be going too far, and it is perhaps inappropriate to speak of a "code of Aboriginal rights".

It would appear evident that the paramount management tool in the administration of justice in Aboriginal communities, one that must see the justice system strive to respect and to adopt Aboriginal customs, is a working knowledge of those traditions and customs. Thus the idea of compiling and recording them in some type of reference work.

ORIGIN:

Chambre des notaires du Québec

SPONSOR OF PROPOSAL(S):

Chambre des notaires du Québec

Training and Information: to the Legal Community and Persons Involved in Justice Related Matters

PROP. NO.: E. 311

PROPOSAL:

The Barreau du Québec agrees:

To set up a series of training sessions intended for the legal community and the various persons involved in justice-related matters on the socio-cultural realities of Aboriginal communities and on the current state of law and enforcement of federal and provincial laws in those communities.

ORIGIN:

Barreau du Québec

SPONSOR OF PROPOSAL(S):

Barreau du Québec

ENGLISH VERSION

**TABLE 7 - ABORIGINAL PEOPLE AND THE ADMINISTRATION OF JUSTICE
(SUBJECT 2.4)**

Training and Information: to Aboriginal Communities

PROP. NO.: E. 312

PROPOSAL:

The Barreau du Québec agrees:

In collaboration with the sections of the Bar, to set up information programs for Aboriginal communities that deal with the civil and criminal aspects of the judicial apparatus and explain the workings of the judicial system.

ORIGIN:

Barreau du Québec

SPONSOR OF PROPOSAL(S):

Barreau du Québec

ANNEX "20"

Alternative Dispute Resolution Mechanisms

Model 1 Local Native judge (justice of the peace)

This option involves a decision by the community to have one or more members of the community to act as judges (or justices of the peace). Ideally, there could be more than one judge in each community to guarantee neutrality and independence. These judges could be appointed either on a full-time or on a part-time basis. Those selected as judges would have to follow a training program so as to be familiar with the law and the manner in which it should be applied.

These local judges could be employees of the *Ministère de la justice* with their salary paid by that Department. The training program for these judges would also be funded by the *Ministère de la justice*.

There would also have to be adequate facilities in each community where these local courts could function. Such facilities would have to be large enough to allow the public to attend trials and would have to have some court staff associated with them which would also have to be trained and paid for by the *Ministère de la justice*.

With respect to jurisdiction of these local courts, it is proposed that they would have jurisdiction over:

- (a) less serious criminal offences only; or
- (b) only those less serious criminal offences for which the offender pleads guilty.

As well, these local courts would have jurisdiction over the municipal limits of their particular community as well as over all Category I and II lands associated with that particular community. This jurisdiction would extend to both Inuit and non-Inuit offenders found within those geographic delimitations.

With respect to sanctions, the local court would have the right to impose any sanction that reflects Inuit customs and traditions, insofar as those sanctions do not violate the fundamental rights and freedoms contained in the Québec and Canada Charters of Rights and Freedoms or any Inuit Charter of Rights and Freedoms to be developed.

Model 2: Council of Elders

Under this particular model, the community would choose or elect a Council of three to five Elders and give them responsibility to preside over hearings concerning disputes and crimes occurring in the community. These Elders could receive a salary according to the number of hearings held and/or according to the number of hours that such hearings last. The *Ministère de la justice* would be responsible for providing some legal training to these Elders as well for their salaries.

The Council of Elders would require adequate facilities within the community in which to hold its hearings. These facilities would have to be large enough to allow the public to attend and have the proper acoustics so that everyone, including the presiding Elders, could hear what is being said in the case. The *Ministère de la justice* would assume the cost, construction and operation of such facilities.

With respect to jurisdiction of the Council of Elders, they would have jurisdiction over (a) all disputes that arise in the community, including serious criminal offences; or (b) only less serious criminal offences.

The Council of Elders would have jurisdiction over both Inuit and non-Inuit and this jurisdiction would extend over offences that happen within the municipal limits of the particular community as well as the Category I and II lands of that particular community.

The Council of Elders may resolve disputes according to Inuit customs and traditions but must also respect the basic legal rights guaranteed by the Québec and Canada Charters of Rights and Freedoms, such as the right to a fair and public hearing. The Council would also have to respect any future Inuit Charter of Rights and Freedoms as well.

With respect to sanctions, the Council of Elders would be free to impose sanctions that reflect Inuit customs and traditions, consider any alternatives to current sentencing practices insofar as those sanctions or alternatives do not violate the fundamental rights and freedoms contained in the Québec and Canada Charters of Rights and Freedoms and any future Inuit Charter of Rights and Freedoms in this regard.

With respect to decision-making, under this model the Council of Elders could reach a decision by (a) consensus; or (b) by majority vote; or (c) by unanimous vote. Each particular Council would retain autonomy in this regard. With respect to implementation or homologation of the decisions of the Council of Elders, the Council's decision could be passed on to the regular court judge

who would either: (a) impose it on the offender as his official sentence; or (b) consider it as a recommendation to help and make his own decision.

If the offender is not satisfied with the Council's decision, he could: (a) have the right to go before the regular court; or (b) appeal a decision to the regular court; or (c) be obliged to comply with its decision, without any possibility of appeal.

These latter options would be subject to discussion with the *Ministère de la justice* in the establishment of these particular models.

Model 3: Council of Elders and Youth

This option involves the choice or election by a community of a Council of four to six individuals including Elders and Youth and gives them the responsibility to preside over hearings concerning disputes and crimes that happen in the community. The presence of Elders will ensure that customs and traditions are maintained and the presence of youth reflects the needs and concerns of the younger generations and the pressures upon them. In order to avoid deadlock decisions, one member would be elected as Chairperson and either refrain from voting in such a situation or have an additional vote in such a situation.

Funding of this Council would come from the *Ministère de la justice* and members of the Council would receive a salary according to the number of times that hearings are held and/or to the number of hours that the hearings last.

Facilities would have to be available where hearings could be held. Like the other above options, such facilities would have to be adequate to accommodate the public and would have to have proper acoustics and facilities for the public to make it functional and comfortable. The *Ministère de la justice* would assume the cost of construction and operation of such facilities.

With respect to jurisdiction of the Council, the Council would have jurisdiction to resolve: (a) all disputes that arise in the community including serious criminal offences; or (b) less serious and criminal offences only. Geographic jurisdiction of the Council would be the municipal limits and well as Category I and II lands of the particular community. The jurisdiction would extend to Inuit and non-Inuit alike. Decisions of the Council, at its options, could be reached by consensus; by majority vote; or by unanimous vote. Once a decision has been made by the Council, it would be passed on to the regular court judge who would either: (a) impose it on the offender as his official sentence; or (b) consider it as a recommendation before he makes his own decision.

If the offender is not satisfied with the Council's decision, he could: (a) have the right to go before the regular courts; or (b) appeal a decision to the regular courts; or (c) be obliged to comply with the decision, without any possibility of appeal.

The Council may resolve disputes according to Inuit customs and traditions but must also respect the basic legal rights guaranteed by the Québec and Canada Charters and any possible future Inuit Charter of Rights and Freedoms. The Council could also impose sanctions that reflect Inuit customs and traditions but again, only insofar as those sanctions do not violate the fundamental rights and freedoms contained in the Québec and Canada Charters and any possible future Inuit Charter of Rights and Freedoms.

ANNEX "21"

INFORMATION ON YOUTH CENTRES

Proposal for Implementation

Presented by :

**EDOUARD MCKENZIE:
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**Youth Coordinators
Makivik Corporation**

Fall 1991

INFORMATION SESSION ON YOUTH CENTRES

1- Opening prayer

2- Welcome word by Jobie Oweetaluktuk and Edouard McKenzie

3- Presentation of the project :

a- Society Transformation

b- How it works

c- Working fields

d- Objectives

e- Structures

f- Financial needs

4- Discussion and question on the project

5- Steps to implement a Youth Centre in your community

6- Closing of the meeting

Society Transformation_____

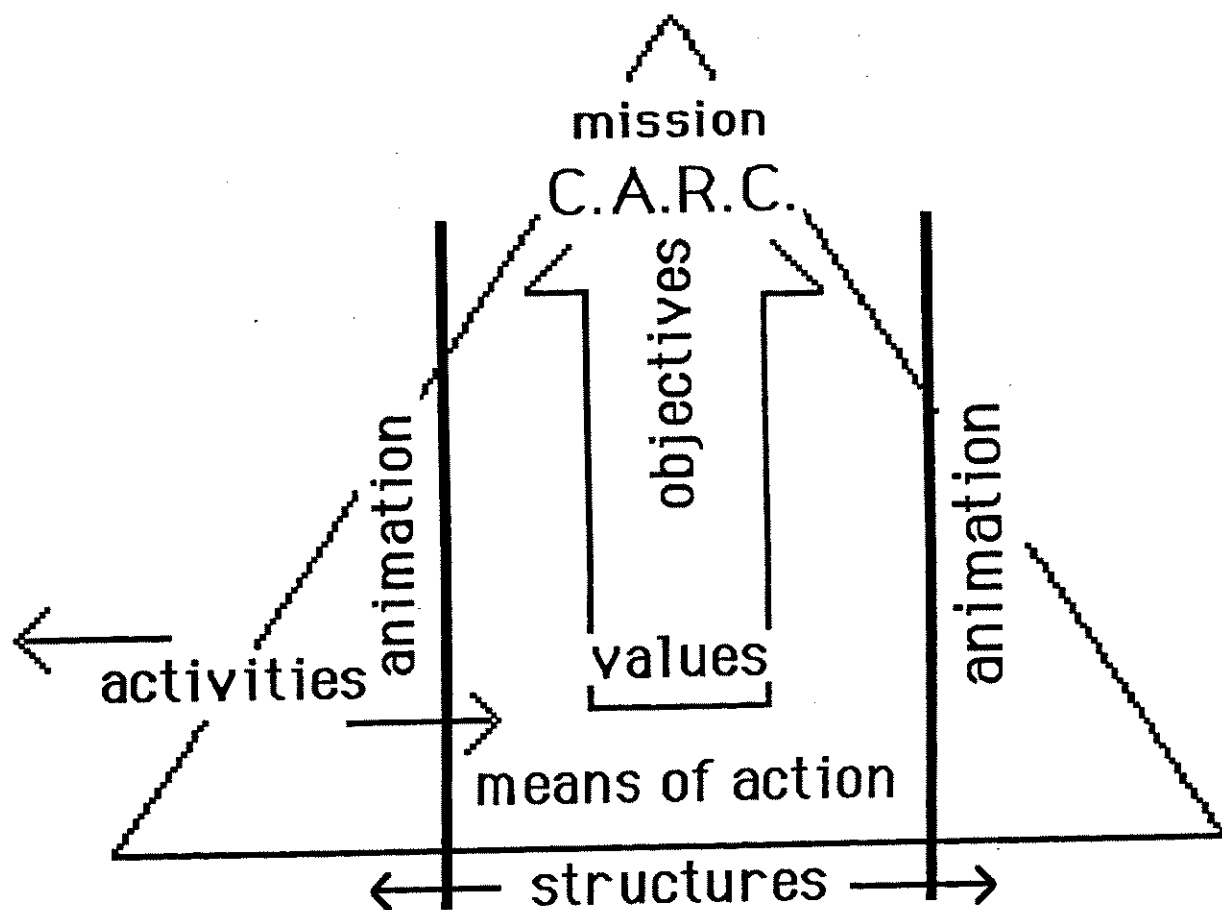
Work Family Culture Leisure School Youth Centres

The Youth Centres were therefore set up with this in mind, providing what could be termed positive prevention, or prevention as incentive. Rather than giving out fish, the Youth Centre teach adolescents how to fish, and how to get what they need to do so. The Youth Centres offer support and encourage them to grow, as too often it is assumed that youth have the means required to succeed on their own.

And that is why the Youth Centres are associations of youth and adults whose mission * is to provide , on voluntary basis in the community, an animated meeting place where Youth aged 12 to 18 can have meaningful contact with adults and work towards becoming citizens who are critical, active and responsible.

*Note: The words mission is use in the sense of vocation. It represent the overall goals and objectives on which more specific objectives are based.

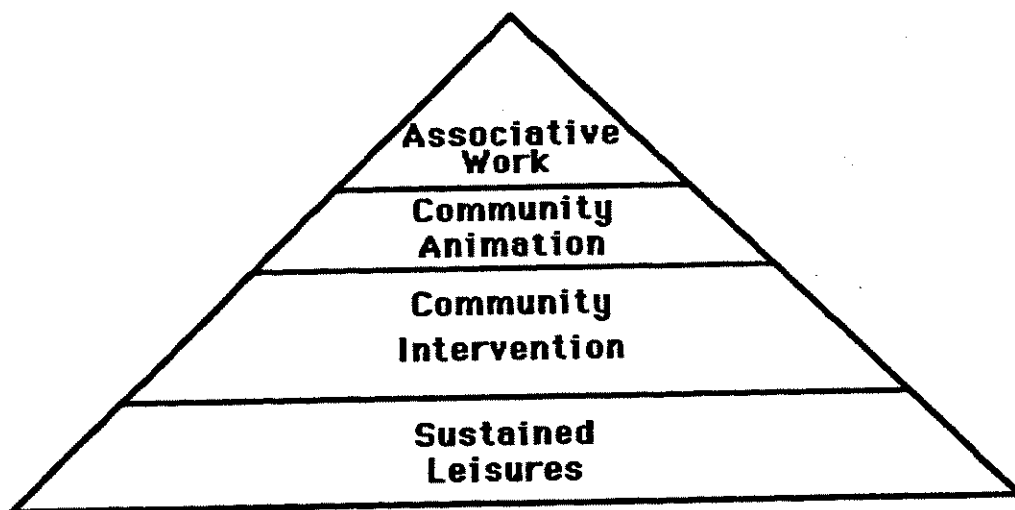
The project Youth Centre and how it work s



The means of action must be in harmony with the morals and intellectual values of the project.

***The fields of work that enable the Youth Centres
to reach theirs objectives***

Working fields

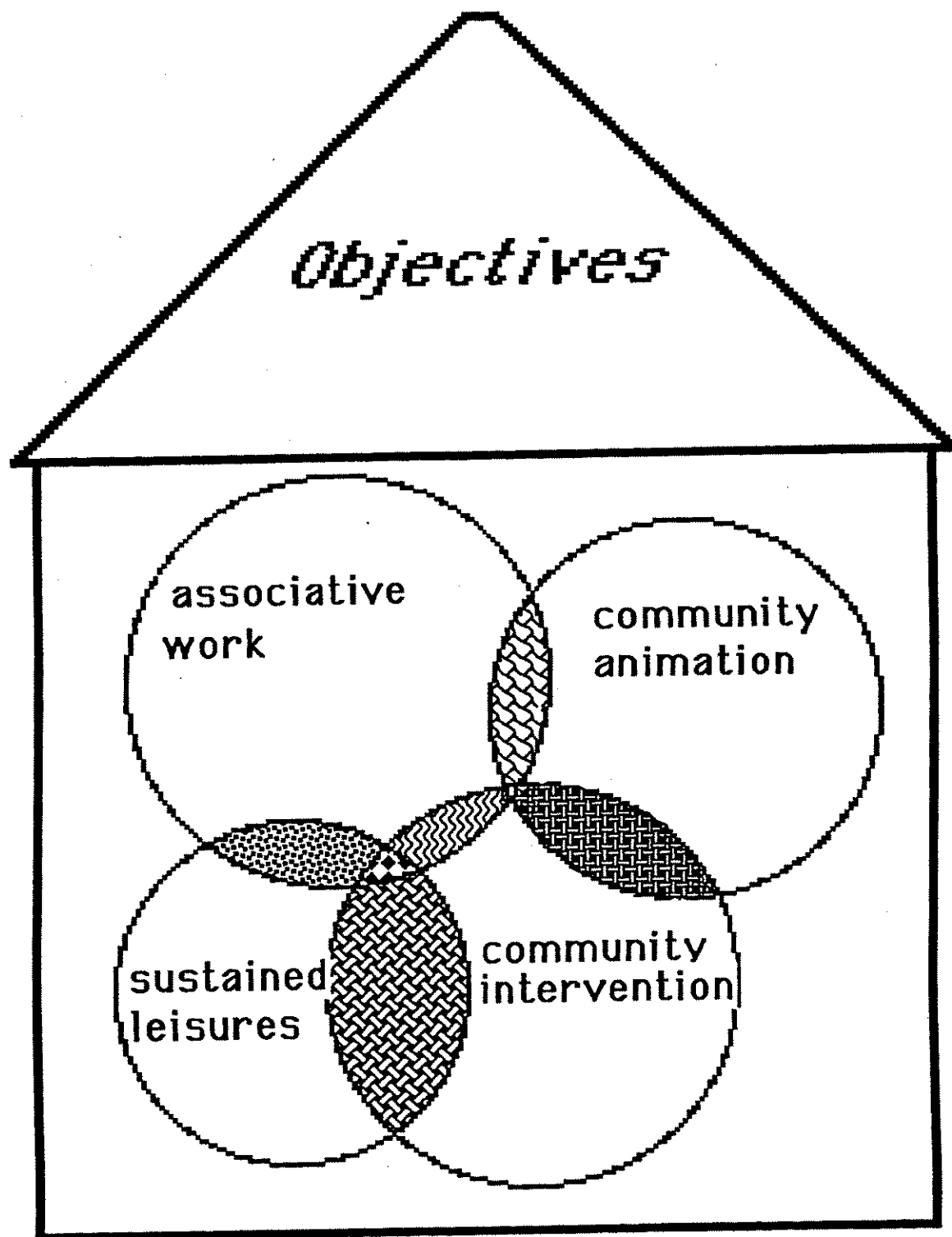


Objectives

Citizen Status
Critical
Responsible
Active

**Every field of work must be invested, to
develop the project of Youth Centres.**

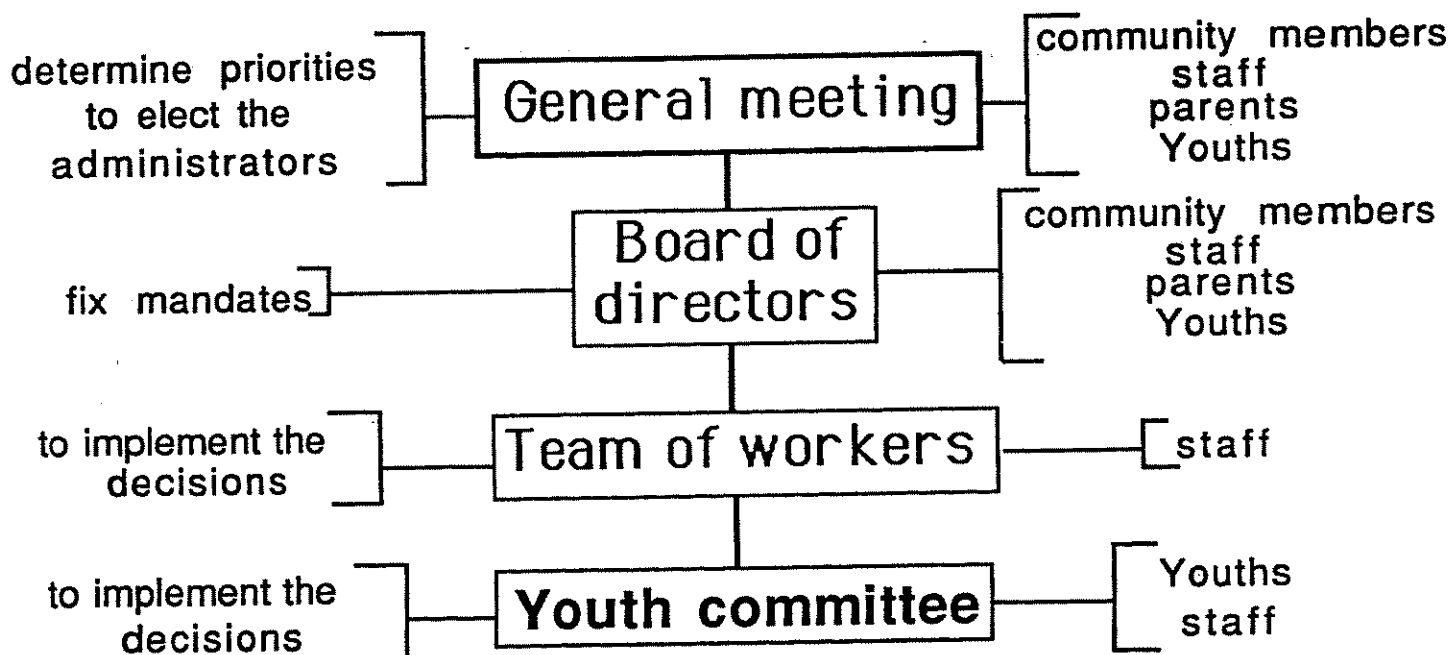
critical active and responsible, citizens



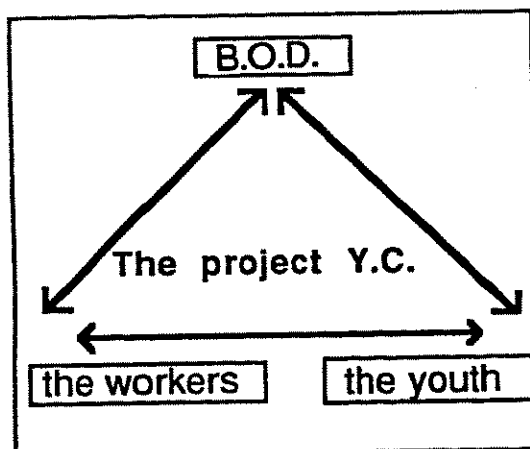
Structures

Role

Composition



The association to a project



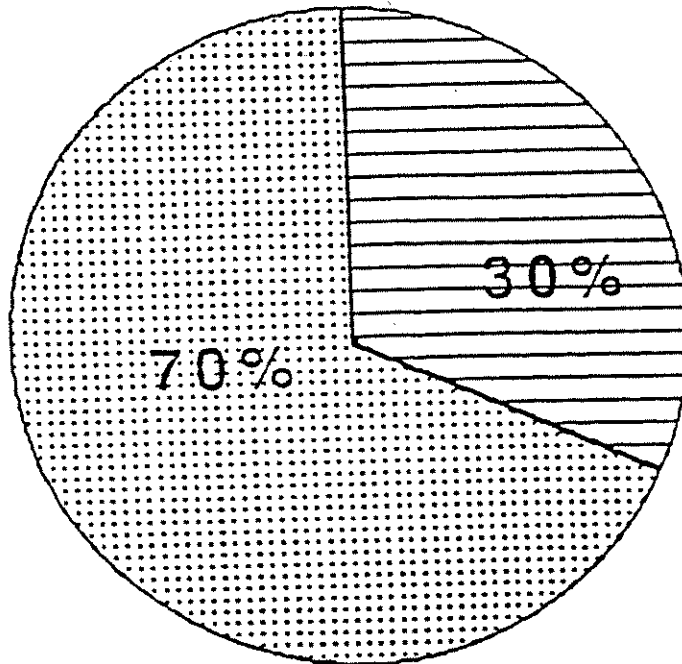
EXAMPLE OF SHARED DISTRIBUTION OF DUTIES IN YOUTH CENTRE

The timetable is based on a individual for 40 hour/week

Management and coordination: 3 hours/week		Meeting of the Youth Centre team.
Animation: 30 hours/week		-Preparing the animation -Preparing activities with the Youth -Presence and animation of the activities (25 hours/week)
Administration 3 hours/week		Accounting Maintenance Secretariat Inventory and Purchasing
Upgrading skills 1 hour/week		Training courses Members of the team assigned to study file on: animation, intervention, youth, democracy, etc..
Associative life 1.5 hour/week		Board of directors Representation Youth committee
RMJQ 1.5 hour/week		Regional Committees delegation Regional task work

Financial needs_____

The budget for a Youth Centre for one year is 180,000\$



The total need is based in 100%/\$180,000. for five workers and administration budget.

What is claim for each Youth Centre is \$180,000. and this is how it should be divided:



30% from
federal government
self-financing
municipality

centraide
private
religious
and other source



70% from
provincial government (MSSS)