



**FEMMES AUTOCHTONES DU QUÉBEC INC.**  
**QUEBEC NATIVE WOMEN INC.**

**Comments from Quebec Native Women**

**As part of:**

*Amendments proposed by Minister Lafrenière to Bill 79, An Act to authorize the communication of personal information to the families of Indigenous children who went missing or died after being admitted to an institution*

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**Quebec Native Women Inc.**

Business Complex, River Road, C.P. 1989, Kahnawake (Quebec) J0L 1B0  
T: 450-632-0088 F: 450-632-9280 E: [info@faq-qnw.org](mailto:info@faq-qnw.org) Website: [www.faq-qnw.org](http://www.faq-qnw.org)

## **About Quebec Native Women**

Quebec Native Women (hereafter QNW) is a bilingual, non-profit organization founded in 1974 that began as a community-based initiative. Since July 2009, QNW has had consultative status with the United Nations Economic and Social Council (ECOSOC). Quebec Native Women (QNW) is an organization representing women from ten (10) First Nations of Quebec: Abenaki, Anishnabe, Attikamek, Innu, Eeyou, Wendat, Maliseet, Mig'maq, Mohawk and Naskapi. We represent First Nations women as well as urban Indigenous women. In 2015, QNW was recognized by Indigenous and Northern Affairs Canada as an Indigenous Representative Organization (IRO).

QNW's mission is to advocate for the human rights of Indigenous women and their families, both collectively and individually, and to represent the needs and priorities of its members to various levels of government, civil society and decision makers in all areas of activity that affect the rights of Indigenous people.

QNW has contributed to restoring the balance between Indigenous men and women by giving a strong voice to the needs and priorities of women for more than 47 years. QNW brings the needs and priorities of its members to the attention of authorities and decision makers in all areas of our work: health, youth, justice and public safety, women's shelters and the promotion of non-violence, human rights, international law, as well as employment and training. In this context, we play a role in education, awareness raising and research, and provide a structure for women to be active in their communities.

## **Preliminary Remarks:**

According to the *United Nations Declaration on the Rights of Indigenous Peoples*, the principles of which were recognized by the National Assembly in 2019, Indigenous peoples affected by legislative measures have the right to free, prior and informed consent. QNW therefore welcomes the addition of the wording "in a spirit of collaboration" to the preamble and section 1 of Bill 79, but does not consider that this respects the duty to consult that would allow for **genuine collaboration**. The consultation process for this bill did not take place and we were asked to comment after the fact. QNW, as a representative Indigenous organization, should have been consulted in advance of this bill, as other Indigenous organizations should have been as well. The issue of missing Indigenous children is a human rights issue that would have required prior consultation with families in order to meet their needs.

## **Brief Summary of QNW's Submission to the Committee on Citizen Relations**

It must be remembered that these disappearances took place in a specific context, a colonialist context, that is to say, within the framework of colonialist policies of assimilation, such as Residential Schools, the Sixties Scoop, to name a few, leading to practices of abuse, adoptions, sometimes without the consent of the parents, into white families, child trafficking in certain cases; the list is long. The Truth and Reconciliation Commission (hereafter TRC) calls these policies and attitudes **cultural genocide**. The National Inquiry into Missing and Murdered Indigenous Women and Girls (hereafter NIMMIWG) refers to the phenomenon of disappearances and murders of Indigenous women, girls and 2ELGBTQQIA as genocide.

These disappearances of children constitute a serious violation of human rights, recognized by international law and the *Quebec Charter of Rights and Freedoms*. They are violations of the right to life, integrity and security, but also of the integrity and psychological security of parents who are traumatized by the loss of their child, without knowing the causes and reasons for their disappearance or death.

The relatives and families of these children have a **right to the truth** about the causes and systemic reasons for the disappearance of their children. This is both an individual right, as it allows for the security and psychological and mental integrity of the families, and a collective right, as it allows for the serious human rights violations that these disappearances constitute to be brought to light and to ensure that they are not repeated.

Bill 79 is too narrow in its mandate and does not respect the right of families to the truth. It is limited to "circumstances" and does not allow for the investigation of systemic causes, the specific context that led to this phenomenon. Furthermore, the power of inquiry is given to the Minister of Indigenous Affairs as **a last resort and at his discretion**. This raises issues of independence from government. This seems all the more inadequate since the phenomenon of missing children, linked to all colonial policies, raises the question of state and institutional responsibility.

It also seems unthinkable that the Minister of Indigenous Affairs should be given priority for these investigations, given the complexity and diversity of the cases. It is quite likely that some files are in federal and foreign jurisdictions, for example in the case of adoption. It would appear that some medical records require "deciphering" due to their age, or specific analysis in relation to the historical and political context. In the end, it seems that Indigenous people need to actively participate in the search for the truth in these cases.

**QNW believes that the search for the truth should be carried out by an independent organization, equipped with a team of researchers, scientists, archivists, experts, investigators and especially, mostly Indigenous people. This work must be carried out in agreement with Indigenous families and organizations.**

**An independent commission of inquiry must be set up so as to** make it possible to research, bring to light, explain and understand the systemic causes, in order to take another step towards Reconciliation.

## **QNW Comments on the Amendments to Bill 79 Tabled by Minister Lafrenière**

First of all, QNW, in its brief, did not focus solely on commenting on the individual provisions of the bill, but we made recommendations that went further and allowed families to learn the truth. Despite the fact that the government is proposing greater transparency in its amendments (section 21 of Bill 79) by making annual reports public, QNW does not feel that this is enough. Making investigation reports public is important to address the objectives of truth, but we believe that the causes and reasons for these disappearances of children should be addressed and not just the circumstances. The fact that the government produces reports and makes them public does not address our concern about its independence in the process. This investigative power cannot be based on a governmental identity considering that the colonial context in which the phenomenon of disappearances originated raises the question of institutional responsibility. Moreover, NIMMIWG, in its Call to Action 21, also called for the establishment of an independent commission of inquiry on missing and murdered children. Our organization is therefore disappointed that both our recommendation and that of NIMMIWG have not been taken into account. For us, the failure to respect these recommendations represents one step less towards Reconciliation.

Secondly, in its amendment to section 5 of Bill 79, the government sets a requirement that calls for information to be sent within 10 years of the coming into force of this act. QNW believes that there should be no statute of limitations at all, in order to respect the right of families to the truth about the causes, reasons and circumstances of the disappearance or death of their children. Imposing a time limit for families to file their application may not allow them to do all the research and preparation necessary to begin such proceedings. In cases where adopted children do not know that they are adopted and therefore are not aware of their biological parents, the 10-year time limit to file an application is not sufficient. The personal and family process can extend even beyond 10 years, not to mention the associated search for information.

Regarding the amendment to section 24 of the bill, QNW understands that there is a delay between the date of assent and its coming into force due to the fact that an administrative structure must be created and put in place in order for the law to come into force. However, neither the amendment

nor the associated commentary mentions an approximate timeframe in which this will come into effect and be ready to operate, which raises several concerns regarding the implementation, the action of the government to remedy this problem. We believe that the government should provide families with an approximate timeframe within which this legislation would come into effect.

Finally, in our brief, QNW pointed out various inaccuracies in the bill that have not been addressed. The bill makes no provision for accompanying people and does not specify the form that the information will take. For example, what are the guarantees concerning the comprehension of the information provided? Experts have a role to play in explaining and supporting the recipients of the information. The type and form of support that the Minister will provide are also an unanswered question. Our organization believes that support should be provided in a manner that respects traditional methods of support and healing. Bill 79 is also silent on the possibility of accessing the mother's file in the case of the disappearance or death of a newborn.

There are still many questions.

**Merci, Thank you, Nia:wen, Migwetc, Tshinashkumitin, Wela'lin, Wli Wni, Tiawenhk,**