



PROTECTEUR
DU CITOYEN



Statement of Principles

concerning First Nations and Inuit



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aware of its responsibility to
carry out its mandate rigorously
with all populations, including
First Nations and Inuit.**

Why a Statement of Principles concerning First Nations and Inuit?

February 9, 1983, was a pivotal point in the relationship between the Québec government and Indigenous peoples. At the time, Cabinet adopted 15 principles as the basis for government action with respect to Indigenous peoples, notably affirming their distinct identity and the need to consult them on matters related to their fundamental rights as recognized by the Québec government. This standard, although a work in progress, is still in use today. It has helped set the stage for contemporary government action. However, major issues remain in relations between the State and the Indigenous peoples of Québec.

Some 35 years later, the Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Québec: listening, reconciliation and progress (CERP) tabled its final report – a scathing indictment of public services:

“[In matters of] physical and mental health, justice, life expectancy, family life, housing, and earnings, the difficulties Québec’s Indigenous peoples face are proof positive that the public system has failed to meet their needs.”¹

In his conclusion, Commissioner Jacques Viens stated that:

“It seems impossible to deny that members of First Nations and Inuit are victims of systemic discrimination in their relations with public services.”²

Faced with these facts, he felt that four key principles were essential if the desired reconciliation and progress were to be achieved:



In striving to ensure the continuous improvement of its services,³ the Protecteur du citoyen acts according to these four principles and the underlying findings. In carrying out its mandate regarding First Nations and Inuit, it also considers the *United Nations Declaration on the Rights of Indigenous Peoples*, a milestone that is central to Indigenous peoples' self-determination.

The harmful consequences that certain public policies have had and continue to have on the living conditions and the exercise of the rights of First Nations and Inuit need no further proof. Knowing history, acknowledging the mistakes of the past and recognizing the rights and distinct character of the First Nations and Inuit living in the territory served by the Protecteur du citoyen are fundamental conditions for true reconciliation. They must converge to create a genuine space for nation-to-nation collaboration.

As Québec's public protector, the Protecteur du citoyen is aware of its responsibility to carry out its mission rigorously with all populations, including First Nations and Inuit. Its commitment to follow up on CERP's calls for action is a step in this direction. Protecteur du citoyen's deliberations and practices are based on this approach.

In adopting this Statement of Principles, the Protecteur du citoyen aims to ensure the relevance, effectiveness and coherence of its interventions. It intends to contribute to establishing genuine recognition of Indigenous rights and realities in public service provision in Québec. The Protecteur du citoyen is also developing its own approaches and services to enhance the relationship of trust with First Nations and Inuit and to increase Indigenous service users' or employees' feeling of cultural safety. It is therefore committed to developing a reference framework for the cultural safety of its services. These commitments enable the Protecteur du citoyen to be sensitive to Indigenous perspectives, to look beyond preconceived ideas in order to avoid their adverse impact and, ultimately, to better fulfill its duty of impartiality.

The Protecteur du citoyen is grateful for the professional support provided by the Ashukan Institute in finalizing this statement and in staff training. The Protecteur du citoyen would also like to extend heartfelt thanks for the indispensable contribution of its external partners and the Indigenous and non-Indigenous members of its staff consulted in developing this Statement of Principles.

Preliminary provisions

The Protecteur du citoyen recognizes that:

- The First Nations and Inuit are the original inhabitants of the territory now known as Québec, an area they have occupied for thousands of years and where they have developed organized societies and a reality rich in languages, cultures and ways of life. The Protecteur du citoyen is aware that it is exercising its mandate on territories for which the First Nations and Inuit feel a deep and intimate attachment. He also recognizes that most of these territories have never been covered by agreements or treaties.
- The eleven Indigenous nations are characterized by their diversity, and each community or northern village has its own specific features. The members of these nations living in urban areas also have their own particularities.
- As a result of a colonial system, certain policies and measures of the Québec government have had profoundly adverse repercussions, both historically and currently, on Indigenous well-being.
- As Québec's parliamentary ombudsman, it is duty-bound to act now to:
 - Learn from past mistakes;
 - Build respectful, ongoing and sincere relationships with First Nations and Inuit;
 - Ensure that public services meet the needs of First Nations and Inuit and respect their rights.

Note: In the following pages, **words in bold** are defined in a glossary at the end of the document.

This Statement of Principles was adopted by the Protecteur du citoyen's Management Committee on June 12, 2023.



GUIDING PRINCIPLES

The Protecteur du citoyen's actions regarding First Nations and Inuit are guided by the following principles:

1 **Develop and maintain relationships of trust**

2 **Recognize Indigenous rights**

3 **Recognize First Nations and Inuit realities, skills and knowledge**

4 **Foster cultural safety and the fight against racism**

5 **Adopt a comprehensive and integrated perspective regarding its actions**

1

Develop and maintain relationships of trust

The Protecteur du citoyen is committed to establishing and maintaining loyal and sincere relations with First Nations and Inuit communities and organizations based on reciprocity, continuity, responsibility, respect, consultation and openness. It understands that the perspectives and input of Indigenous representatives and organizations are essential to understanding their issues and developing solutions. It intends to involve First Nations and Inuit in organizing and assessing the services intended for them, and it encourages public services to follow suit. Its work, carried out with humility and sensitivity, encourages a better understanding of the realities of the Indigenous populations with which it interacts, as well as the development of a mutually beneficial relationship of trust, while fully respecting the imperatives of independence and impartiality.

Recognize Indigenous rights

The Protecteur du citoyen recognizes the special rights and status of Indigenous peoples and is committed to ensuring that they are respected. It recognizes existing, ancestral and treaty rights for Indigenous peoples – guaranteed by the *Constitution Act, 1982* – and endorses the principles and statements of rights enshrined in the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP).

This includes the inherent right of First Nations and Inuit to **self-determination**, self-government and to be consulted and to make decisions on all matters affecting their rights.

2

3

Recognize First Nations and Inuit realities, skills and knowledge

The Protecteur du citoyen is committed to considering the specific realities of First Nations and Inuit, their protocols, traditions and governance. It recognizes Indigenous knowledge and skills and is committed to listening to, respecting and promoting Indigenous voices, both within its own services and in its external actions.

Foster cultural safety and the fight against racism

4

The Protecteur du citoyen is committed to ensuring that the principles of **cultural safety** are respected by means of any necessary changes within its organization and through its actions with public authorities. The Protecteur du citoyen is committed to working through these issues from a perspective of **cultural humility** and to esteeming Indigenous approaches. The Protecteur du citoyen is committed to developing the knowledge and skills required to carry out its mandate with First Nations and Inuit, in addition to contributing to dismantling prejudices against Indigenous peoples within society.

The Protecteur du citoyen recognizes the **systemic discrimination** suffered by many First Nations and Inuit members in Québec public services.

In accordance with its statement on equity, diversity and inclusion (EDI Statement), the Protecteur du citoyen is committed to providing a workplace free of racism and discrimination, to abolishing inequalities and to ensuring respect for **substantive equality**. It supports genuine accessibility to services and hiring for First Nations and Inuit. As the Protecteur du citoyen sees it, this Statement of Principles and the EDI Statement are complementary and interrelated.

5

Adopt a comprehensive and integrated perspective regarding its actions

The Protecteur du citoyen is committed to acting on CERP findings. It also pledges to take into account Joyce's Principle and the findings of other commissions of inquiry, including the National Inquiry into Missing and Murdered Indigenous Women and Girls and the Truth and Reconciliation Commission of Canada, both in implementing its institutional practices and in its approaches and analyses in the context of public service investigations.



GLOSSARY

Self-determination

Systemic discrimination

Cultural safety

Cultural humility

Substantive equality

Self-determination

The right of Indigenous peoples to self-determination is a guiding principle of UNDRIP (Article 3). According to the Commission des droits de la personne et des droits de la jeunesse, although there are different interpretations, self-determination generally means that Indigenous peoples have the right to decide what is best for them and their communities. Indigenous peoples have the right to be independent and free. They have the right to be citizens of the country in which they live, while at the same time being members of their community, of their nation.⁴

Systemic discrimination

The Human Rights Tribunal defines systemic discrimination as the cumulative effects of disproportionate exclusion resulting from the combined impact of attitudes marked by often unconscious biases and stereotypes, and policies and practices generally adopted without taking into consideration the characteristics of the members of [targeted] groups.⁵

In its final report, CERP, drawing on the work of Professor Colleen Sheppard, defines systemic discrimination as follows: "Systemic discrimination, which combines both of these types of discrimination [formal and informal], is characterized as being widespread and institutionalized in a society's practices, policies and culture. Systemic discrimination can impede individuals throughout their entire lives and its effects can persist over multiple generations."⁶

Cultural safety

The cultural safety approach consists first and foremost in recognizing that power imbalances, shaped by socio-economic, colonial, political and historical factors, are manifested in the services offered to Indigenous people. A cultural safety approach therefore involves self-reflection about our cultural biases and doing the necessary work to remedy these imbalances. It also involves strengthening and enhancing the cultural identity of First Nations and Inuit by promoting Indigenous expertise and participation.

However, cultural safety is an outcome that must be defined by the Indigenous people receiving the service; it is up to them to determine whether they felt safe and secure. A culturally safe environment is free from racism and discrimination.⁷

Cultural humility

The *British Columbia Cultural Safety and Humility Standard* defines cultural humility as a process of self-reflection aimed at understanding personal and systemic biases and developing and maintaining respectful processes and relationships based on mutual trust. Cultural humility is about humbly acknowledging oneself as a learner when it comes to understanding the experience of others. Humility is a fundamental value in developing a culturally safe environment.⁸

Substantive equality

The concept of *formal equality* refers to the fact of treating everyone identically. However, the courts recognize that treating everyone the same way can result in discrimination against some people. This is why they apply the concept of *substantive equality*, which takes account of pre-existing inequalities between people and recognizes that different treatment may be necessary to achieve equality.⁹

In keeping with this idea, it is important for the Protecteur du citoyen to take the context into account and adapt its approaches and practices to Indigenous community needs and realities. This is in keeping with the Protecteur du citoyen primary value, which is equity: treating everyone fairly and without discrimination.

Sources

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5. *Commission des droits de la personne et des droits de la jeunesse (Beaudoin et al.) v. Gaz Métropolitain inc.*, 2008 QCTDP 24, par. 36. Judgment upheld on appeal: *Gaz Métropolitain inc. v. Commission des droits de la personne et des droits de la jeunesse*, 2011 QCCA 1201.
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9. CDPDJ, *Guide d'accompagnement : traitement d'une demande d'accommodement*, 2018, p. 12 [In French only].

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Protecteur du citoyen, 2024.

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