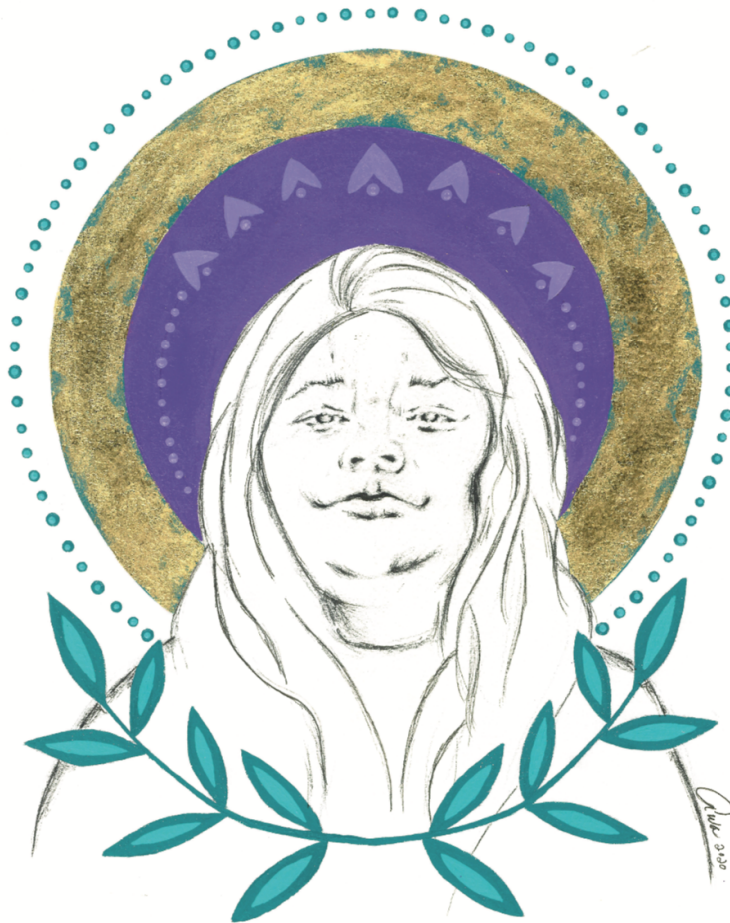

JOYCE'S PRINCIPLE



Cover page:

Eruoma Awashish

Atikamekw Nehirowisiw

Justice for Joyce

2020

In memory of Joyce Echaquan

1983–2020

It is our responsibility to fight against systemic racism in our society.

Let's build a world more harmonious and just for our children.

Kaskina mamo!

Ni apitc 28 kakone pisimw 2020, nitiskwem, ninitcanicak okawiwaw ni ki maninamakwinan, nama mia ki otci totowakaniwaw kaskina ki wapatenano ka ki ispirik. Mictahi ki ariman tan ka ki ispirite ka nipote ninitcanicinan acite nin otci Ni pasoweriten mictahi kice okimawok Kepek acite Kanata kitci actatcik, kitci kekwaraw Joyce otci. Otcitakote kitci meckotciparik kaskina nehirowisiwok otci aka wiskat aci nte kitci iciwepasitc nehirowisiw napitc e mareritakositc.

“On September 28, 2020, my wife, the mother of my children, was torn from us in inhumane circumstances that we all witnessed. Joyce's death was a terrible tragedy for our children and me. I hope the governments of Quebec and Canada will adopt Joyce's Principle so this terrible event did not occur in vain. Let her voice be the beginning of real change for all Indigenous people so no one ever again falls victim to systemic racism.”

».



Carol Dubé



ATIKAMEKW NEHIROWISIW

Joyce's Principle

Brief presented by the Council of the Atikamekw of Manawan

and

the Council de la Nation Atikamekw

November 2020

Presented to

the GOVERNEMENT of CANADA

and to the GOVERNEMENT of QUEBEC

Joyce’s Principle

November 2020

Table of Contents

TABLE OF CONTENTS..... 5

DISCLAIMER..... 6

INTRODUCTION..... 7

ACKNOWLEDGMENTS 9

STATEMENT OF JOYCE'S PRINCIPLE 10

 JOYCE'S PRINCIPLE 10

 PROPOSITION FOR APPLICATION OF JOYCE'S PRINCIPLE 10

CONCLUSION..... 15

Disclaimer

The content and terms of this document must in no way be interpreted as to infringe the Aboriginal title and ancestral rights of Atikamekw Nehirowisiw or to prejudice the negotiations currently in progress or to come between Atikamekw Nehirowisiw and the Crown. Therefore, this brief on Joyce's Principle in no way limits the rights and remedies recognized by governments and courts to Atikamekw Nehirowisiw.

Furthermore, this document cannot be considered as the sole and unique means for Atikamekw Nehirowisiw to express its opinion and assert its rights and interests. Indeed, an exhaustive analysis of all health and social services programs and systems in Canada could not be carried out due to the short deadline for submitting this brief. Joyce's Principle is presented with the goal of being adopted by governments in order to establish relations free from systemic racism for Indigenous people and the health and social services systems in Quebec and Canada.

Introduction

Context

The death of Joyce Echaquan, which occurred in abject circumstances on September 28, 2020, at the Joliette Hospital Center in Lanaudière, Quebec, near the Atikamekw community of Manawan, sparked the proceedings that led to the presentation of this brief.

In addition, the events occurred in a hospital center that was formally covered by the final report of the *Commission Viens*, Public Inquiry commission on Relations between Indigenous Peoples and Certain Public Services in Quebec, presented on September 29, 2019, which makes the situation all the more intolerable.

In fact, Joliette Hospital Center was part of the investigation, which stated in its final report that "it seems impossible to deny the systemic discrimination members of the First Nations and Inuit face in their relations with the public service subjects of the investigation. "

Following the death of Joyce Echaquan, the time for reflection has passed. The conclusions are clear: it is time for governments to take a strong stance against systemic racism lived by Indigenous people in healthcare and social services.

Joyce's Principle is a step towards this transition.

About Joyce's Principle

This principle is a call to action and a commitment from governments to end an intolerable and unacceptable situation.

In itself, Joyce's Principle is inspired by the United Nations Declaration on the Rights of Indigenous Peoples (2007), Article 24, which reads as follows:

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

The reason behind Joyce's Principle

The adoption of Joyce's Principle will make it possible to assert the rights of Indigenous people relative to healthcare and social services in Quebec and Canada. Therefore, this brief constitutes a reminder and a formal request for a commitment by the governments of Quebec and Canada (and their institutions) to respect and protect Indigenous rights relative to healthcare and social services — rights that are recognized internationally.

Expectations

The tragedy of Joyce Echaquan's death does not tolerate inertia. We must work together to achieve a balance that respects the rights of all and for all.

The Council of the Atikamekw of Manawan (CDAM) and the Atikamekw Nation Council (CNA) request that the Joyce Principle proposed in this brief be adopted and implemented by the National Assembly of Quebec and by the House of Commons from Canada without delay.

Furthermore, it is expected that the measures proposed for its application will be taken into consideration and implemented in short order, and that the work be done in close collaboration with the Indigenous authorities concerned so tragedies like the death of Joyce Echaquan do not occur.

Approach

Keen to make the development of Joyce's Principle an inclusive process, the CDAM in collaboration with the CNA conducted a two-week public consultation (from October 14 to 28, 2020) to get suggestions and comments from the public. The recommendations received have been factored into the content of this brief.

Memoirs submitted as part of our public consultation provide even more detail on the possibilities of applying Joyce's Principle in different organizations. These memoirs, along with recommendations from stakeholders in the health and social services who have contributed, may be made available to any organization involved in the development and implementation of measures for the application of the Joyce Principle.

The CDAM and the CNA are presenting Joyce's Principle to the governments of Quebec and Canada. Beyond this, we intend to continue to gather feedback from all stakeholders and decision-makers in the health and social services field in order to ensure deep and lasting change.

Acknowledgements

We would like to thank all the participants in the public consultation. Your contributions were appreciated and all carefully considered in the development of this document. We must now continue to work together to rally support so that Joyce's Principle is across levels of government.

Statement of Joyce's Principle

Joyce's Principle

Joyce's Principle aims to guarantee to all Indigenous people the right of equitable access, without any discrimination, to all social and health services, as well as the right to enjoy the best possible physical, mental, emotional and spiritual health.

Joyce's Principle requires the recognition and respect of Indigenous people's traditional and living knowledge in all aspects of health.

1. Relationship between Indigenous people and the Government of Canada relating to health and social services.

The Government of Canada must recognize the right to autonomy and self-determination of Indigenous peoples in matters of health and social services. The Government of Canada must recognize the systemic racism faced by Indigenous people when attempting to access social and health services, particularly in relation to rights of equitable access without discrimination. Indigenous people must have the right to the enjoyment of the highest attainable standard of physical, mental, emotional and spiritual health. To achieve this, recognition and respect for Indigenous people's traditional and living knowledge in matters of health are *sine qua non*.

The Government of Canada, in collaboration with the Indigenous authorities concerned, must put in place an action plan regarding Joyce's Principle.

Without limitation, the following measures should be adopted:

- I. The Government of Canada must take all legislative measures necessary to implement Joyce's Principle;
- II. The Government of Canada must review its program funding practices related to the provision of services in collaboration with the Indigenous authorities concerned;
- III. The Government of Canada must harmonize its reimbursement and coverage program with the provinces. This will help ensure optimal and equitable access to care, treatment and medication for all Indigenous people;
- IV. The Government of Canada must facilitate access to safe care for members of Indigenous communities in an equitable manner, accounting for the bond of trust that must exist with the chosen health facility;

- V. The Government of Canada must link the resources allocated to real needs of Indigenous people;
- VI. The Government of Canada must do everything to facilitate the mobility of health and social services resources between and outside of communities;
- VII. The Government of Canada must implement Joyce's Principle regardless of jurisdictional conflicts between Quebec and Canada.

2. Relationship between Indigenous people and the Government of Quebec relating to health and social services.

The Government of Quebec must recognize the right to autonomy and self-determination of Indigenous peoples in matters of health and social services. The Government of Quebec must recognize the systemic racism faced by Indigenous people when attempting to access social and health services, particularly in relation to rights of equitable access without discrimination and the right to the enjoyment of the highest attainable standard of physical, mental, emotional and spiritual health. To achieve this, recognition and respect for Indigenous people's traditional and living knowledge in matters of health are *sine qua non*.

The Government of Quebec, in collaboration with the Indigenous authorities concerned, must put in place an action plan regarding Joyce's Principle.

Without limitation, the following measures should be adopted:

- I. The government of Quebec must take all legislative measures necessary to implement Joyce's Principle;
- II. The government of Quebec must establish an Ombudsman office for Indigenous health. The powers and means of action of this Ombudsman must be decided in collaboration the Indigenous authorities concerned;
- III. The Government of Quebec must work with Indigenous authorities to deploy Joyce's Principle;
- IV. The Government of Quebec must appoint an Indigenous member on all decision-making bodies affected by Joyce's Principle;
- V. The Quebec government must put measures in place that facilitate the mobility of human resources providing health and social services to Indigenous communities;
- VI. The government of Quebec must implement Joyce's Principle regardless of jurisdictional conflicts between Quebec and Canada.

3. Relationship between Indigenous people and the public relating to health and social services.

To reduce stigma and prejudices against Indigenous people regarding health, social leaders and members of government at all levels must actively fight against racism aimed at Indigenous people. The importance of educating non-natives about the realities of Indigenous people must be recognized.

The Indigenous authorities concerned must be given the necessary means to fight systemic racism and ignorance of Indigenous realities.

Without limitation, the following measures should be adopted:

- I. The government of Quebec must financially support the Indigenous authorities that set up awareness-raising and education campaigns about the realities of Indigenous life;
- II. The Government of Canada must provide financial support to the Indigenous authorities concerned in order to set up awareness-raising and education campaigns about the realities of Indigenous life;
- III. Social leaders must prevent, denounce and condemn any manifestation of racism against Indigenous people.

4. Relationship between Indigenous people and teaching institutions in the fields of health and social services

Any program offered by a teaching institution that trains workers in the health and social services field must include a component relating Joyce's Principle.

Any program aimed at training workers in the health and social services field must include measures to integrate Indigenous students and ensure their success.

Without limitation, the following measures should be adopted:

- I. Teaching institutions related to the fields of health and social services must provide compulsory training relating to Joyce's Principle to all its students. These training courses must be developed by, or in collaboration with, the Indigenous players in health and social services;
- II. Teaching institutions linked to the fields of health and social services must make it as easy as possible for Indigenous people to access training programs, including by establishing new specific programs as well as putting in place financial and social measures;
- III. Teaching institutions linked to the fields of health and social services must decolonize course content and teach methods across its entire curriculum, including continuous education;

- IV. Teaching institutions linked to the fields of health and social services must facilitate the recognition of knowledge and the sharing of knowledge by Indigenous people.

5. Relationship between Indigenous people and professional orders in the health and social services field

All professional orders with members health and social services fields must integrate a commitment to respect Joyce's Principle into all their public protection mechanisms and must include a component relating to Joyce's Principle in their continuing education requirements.

.Without limitation, the following measures should be adopted:

- I. The government of Quebec must amend the Professional Code in order to implement recurrent and mandatory training courses relating to Joyce's Principle within all professional orders relating to health and social services in Quebec. These training courses must be fully developed by, or at the very least, developed in collaboration with Indigenous stakeholders in health and social services.
- II. Professional orders related to the fields of health and social services must, in collaboration with the appropriate Indigenous authorities concerned, designate an Indigenous person to sit on their board of directors.

6. Relationship between Indigenous people and health and social services organisations

All health and social services organizations must have a policy in place that recognizes and applies Joyce's Principle.

All health and social services organizations that regularly serve an Indigenous clientele must enter into an agreement with the appropriate Indigenous authorities regarding the implementation of any policy related to Joyce's Principle.

Organizations must visibly display their commitment to Joyce's Principle. Each year, governmental authorities must publicly present the progress of the implementation of this action plan and, with the appropriate Indigenous authorities, determine if adjustments should be made.

Without limitation, the following measures should be adopted:

- I. Health and social services organizations should be committed to continuous education related to Joyce's Principle. These training courses must be developed by, or at least in collaboration with, the Indigenous stakeholders in health and social services;

- II. Health and social services organizations must put in place all the measures necessary to ensure the cultural safety of Indigenous people;
- III. Health and social services organizations must facilitate access to an Ombudsman specific to Indigenous people;
- IV. Health and social service organizations must prevent, denounce and condemn any manifestation of racism against Indigenous people.

Conclusion

Joyce's Principle

As previously mentioned, Joyce's Principle aims to guarantee all Indigenous people the right of equitable access to all social and health services without any discrimination,, as well as right to the enjoyment of the highest attainable standard of physical, mental, emotional and spiritual health.

Joyce's Principle requires the recognition and respect of Indigenous people's traditional and living knowledge in all aspects of health.

We hope the proposals set out in this document, although not exhaustive, can be taken into account by the Governments of Canada and Quebec. The need for concrete actions to reach fair access to health and social services systems free of discrimination for Indigenous people is undeniable.

In closing, we would like to reiterate the urgency of adopting Joyce's Principle to demonstrate a commitment by governments to establishing fair and equitable relations with Indigenous people.

Status quo is not an option for the Atikamekw Nation.



Paul-Émile Ottawa, Chef of the Council of the Atikamekw of Manawan.



Constant Awashish, Grand Chef of the Atikamekw Nation

