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Consultations particulières sur le projet de loi n° 113 — Loi modifiant le Code civil et d'autres dispositions législatives en matière d'adoption et de communication de renseignements (4)

Président de l'Assemblée nationale :
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**Consultations particulières sur le projet de loi n° 113 — Loi modifiant
le Code civil et d'autres dispositions législatives en matière
d'adoption et de communication de renseignements (4)**

(Quinze heures onze minutes)

Le Président (M. Ouellette) : À l'ordre, s'il vous plaît! Ayant constaté le quorum, je déclare la séance de la Commission des institutions ouverte. Je demande à toutes les personnes dans la salle de bien vouloir éteindre la sonnerie de leurs appareils électroniques.

La commission est réunie afin de poursuivre les consultations particulières et les auditions publiques sur le projet de loi n° 113, Loi modifiant le Code civil et d'autres dispositions législatives en matière d'adoption et de communication de renseignements.

M. le secrétaire, y a-t-il des remplacements?

Le Secrétaire : Oui, M. le Président. M. Merlini (La Prairie) est remplacé par M. Girard (Trois-Rivières) et M. Tanguay (LaFontaine) est remplacé par M. Fortin (Pontiac).

Auditions (suite)

Le Président (M. Ouellette) : Nous terminerons, cet après-midi, les consultations avec l'audition des représentants de la Société Makivik et de la Régie régionale de la santé et des services sociaux du Nunavik.

Welcome to the National Assembly. We really appreciate that we have the opportunity to hear you today. La société est représentée par son président, M. Jobie Tukkiapik. I will let you present the people who are with you. You have 10 minutes to do your presentation, and, after that, there will be an exchange with Mme la ministre and the official two representatives of the two oppositions. So, Mr. Tukkiapik, it's all yours.

**Société Makivik et Régie régionale de la santé
et des services sociaux du Nunavik (RRSSN)**

M. Tukkiapik (Jobie) : Thank you. We've been briefed on how this is going to go.

Mr. President, Minister Vallée and dear members of the Committee, I would like to thank you for giving us the opportunity. The last time, we were not able... and I appreciate the fact that you give us this extra time to present our views on Bill 13. There will be different speakers within the 10 minutes that are there.

The bill under review is of primary importance for Nunavik Inuit, therefore it was essential for us to come and meet with you in order to present our support on Bill 113 but also to propose some comments on its content and also on its relevance for the Inuit context. I am today accompanied by Andy Pirti, he is the treasurer for Makivik Corporation, and also, to my left, it's Minnie Grey, the executive director for the Nunavik Regional Board of Health and Social Services, and also, with the Regional Board of Health and Social Services, Elena Labranche, who is the director of Inuit values and practices at the Regional Board. Also with us we have Mylène Larivière, member of our legal department and Makivik appointed representative of the working group on adoption and to the adoption file. So, Minnie will present other members of the Inuit here.

Le Président (M. Ouellette) : Mme Grey. OK. You can go ahead.

Mme Grey (Minnie) : Thank you very much. Thank you, Jobie.

The Nunavik region has consistently, since the 1980s, and most especially since the mid-90s, called for a translation of the Québec laws, of the effects of its customary adoption regime. Although this recognition is offered at the Constitution Act and of the James Bay and Northern Québec Agreement, a practical inclusion of the effects of our adoptions on the filiation of the Inuit children and their parents was considered crucial. Difficulties regarding this recognition started in 1994 within the reform of the Civil Code of Québec.

Before the coming into place of the Register of Civil Status, our adoptions were simply recorded at the baptismal certificate held by religious authorities and the parishes in the territory, so, basically, the Church took care of our registrations. But with the coming into place of the provincial civil status registry, the recognition of the prominent effects of our adoptions on the filiation of our children was considered a necessity. This is because customary adoptions are still a common occurrence in Nunavik.

Le Président (M. Ouellette) : Mme Labranche, yes.

Mme Labranche (Elena) : «Nakurmiik». Customary adoption is a vibrant and alive practice in Nunavik. We estimate that about one out of four or five newborns are adopted according to our custom up to today. As an average,

50 children are, more or less, customary adopted every year in Nunavik. We have about 300 newborns each year within the region.

Adoptions will take place through an exchange of consent, usually verbally, which usually happens before the child is even born. It generally involves members of the immediate and extended family, and a decision over the customary adoption will be immediate and permanent, with the direct effects of the filiation of the child and two sets of parents. The adoptive parents are to become the father and mother of the child, his «anaana» and «ataata», and the biological mother is to be referenced as the «puukuluit». The adoptive parents have the whole rights and obligations towards the child to ensure food, shelter, care, and etc.

M. Pirti (Andy) : Thank you, Jobie, for the introduction, and thanks for having me, everybody. Merci beaucoup pour cette opportunité.

Customary adoption concerns all Nunavik Inuit. At the second forum of discussion on adoption, hosted by Makivik in 2009 and 2010, all 50 participants declared having been either adopted, or being adoptive parents, or biological parents who gave one child for adoption.

Under our custom, giving a child for adoption is considered a gift. I was myself given and received as a gift, as I was adopted by my parents... Pirti and... Pirti. The effects of my adoption, as for other Inuit adoptions, were permanent. My parents needed to see a recognized parental authority on me. Like any parent, when I was of minor age, they needed to be able to order my passport, register me to school or authorize my health services. Also, they needed to appear on my birth certificate as my parents officially in rights. Luckily for me, I was able to benefit from the administrative procedure put in place between the Nunavik region and the Québec Register of Civil Status in the 1990s

M. Tukkiapik (Jobie) : Thank you, Andy. Also, luckily for Andy, his birth certificate confirmed the actual effects of our custom on his filiation, thanks to the administrative procedures developed with the Civil Status and applied since more than 20 years now. But uncertainty still remains, since some of the court decisions have questioned the validity of this administrative arrangement... or rather why Québec has not yet versed its proceedings at its laws. We think that Bill 113 will resolve this uncertainty once and for all. It follows years of discussions, numerous consultations held in Nunavik and elsewhere and the work and report of the working group on adoption.

Two previous bills have died by the order of paper. We really hope that this is the right time and we are thanking the Minister of Justice for that, as for the significant level of collaboration which took place throughout the entire process and even in the actual drafting of Bill 113.

• (15 h 20) •

Mme Grey (Minnie) : The Nunavik health and social services, like Makivik, support the bill as proposed, subject to the comments offered at our joint brief, which you have already read.

We notably touched upon the redundant uses at the bill of the notions of the «interest of the child» and of «the rights of the child» or «the consent». These concepts are an inherent part of our customary regime on adoption. They should not be repeated and repeated in the proposed provisions, as they are already part of the Inuit customary adoption and do not need to be appraised accordingly. Also, considering the health board's role with the Nunavik director of youth protection, we welcome the fact that customary adoption will now be listed as an available tool in the development of an intervention plan. That being said, we have to remember that the customary adoption institution is of a different order than the Youth Protection Act, and the latter regime of exception has to respect the distinct and privileged nature of this aboriginal right. A dialogue may be established between the two institutions, but in no way shall it be a subordination of one order to another.

Lastly, we call for pursuing the collaboration with the Government of Québec regarding our other Inuit customary care regimes on children and families. Bill 113 provides a solution regarding one aspect of these regimes, the one relating to adoption with permanent effects on the filiation, but, just like for our First Nations other customary care regimes... exist in Nunavik, which may have been eroded or impacted by the state regimes on youth and families. We need to pursue our common work to assess the scope of measures that could be put in place for renewing the role of these important traditions for our youth and our families.

Le Président (M. Ouellette) : Mme Labranche.

Mme Labranche (Elena) : Another area where ongoing collaboration is required is on the transboundary effects of our Inuit customary adoptions.

As a matter of fact, adoptions may take place between Inuit from Nunavik or Nunavut and also from Nunatsiavut. Inuit families are interconnected throughout the entire Inuit Nunangat. Inuit customary adoptions may validly happen despite the different provincial or territorial jurisdictions, but effects on the filiation of the adopted children and their families need to be reconciled between the different Civil Status departments. We therefore call for a creation of a specific Québec Inuit table to assess a protocol implementation of Bill 113 when it comes to Inuit adoptions without borders and propose solutions, where need be.

Makivik and the regional health board are more than ready to collaborate with the Government on this issue.

Le Président (M. Ouellette) : Thank you. Are you doing the conclusion or... Ah! OK, Mr. Pirti does the conclusion. Mr. Pirti.

M. Pirti (Andy) : We also advocate for having support offered for implementing Bill 113.

This bill calls for the designation of aboriginal competent authorities which are to be responsible as a liaison or interface mechanism to inform the Register of Civil Status whenever a customary adoption will take place. For the Nunavik region, that means that Makivik will have to designate a competent authority for the Inuit nation, this in collaboration with the health board. It will imply providing means of action to this new identity in the development of its working framework and then, publicly, an outreach. To ensure the success of this new administrative measure, we request that adequate resources be offered by Québec to the Nunavik region.

Le Président (M. Ouellette) : You conclude?

M. Pirti (Andy) : One more.

Le Président (M. Ouellette) : Ah! OK.

M. Tukkiapik (Jobie) : Thank you. In conclusion, we intend to carry the new responsibilities devolved to us under Bill 113 with enthusiasm and diligence, but, considering the number of customary adoptions which are taking place regularly, we suggest that the coming into force of these new provisions happen at the same time as a designation of our Inuit competent authority in order to prevent any void of application between the new liaison procedure and the old administrative arrangement still in place with the Register of Civil Status.

We remain available to discuss with the Minister of Justice this important element as well as other elements mentioned in our brief. But, at present, on behalf of our two organizations and their representatives, we are pleased to appear today in front of your Committee. And again I wanted to thank you for hearing us out, when we were not available last week. So thank you for the opportunity.

Le Président (M. Ouellette) : Thank you, Mr. Tukkiapik. Madam Minister.

Mme Vallée : Merci, M. le Président. Alors, dans un premier temps, simplement saluer les juristes de l'État qui nous accompagnent une fois de plus dans nos travaux. Alors, on a hâte de vous retrouver là où on est habitués de vous croiser.

Mr. Tukkiapik and your group, thank you very much for sharing your comments and your views on Bill 113. It was important for us to hear you and it was important for us to make sure that we would be available to exchange.

I'm going to start with basically the end of your presentation. You explained that you already have a lot of customary adoptions that the society is dealing with on a yearly basis. You already have an administrative support to organize... and I saw in your brief that you made reference to all the forms that already exist with regards to the different administrative steps, the declaration of Inuit customary adoption form. You have information regarding the parents, the child. So there's a lot of work already... and done a lot.

How long do you think it would take the Makivik Society to be able to put in place the necessary steps to implement or to give full power to Bill 113? What are you going to be needing? Because you're asking for support. You want to make sure that there's no delay, and that the bill will be put in place, and that there won't be any difficulties between the way that things were done previously and the implementation of the bill. So how long do you think it's going to take? Do you have an idea? And what are the resources that you are looking for when you're saying, «We hope that Québec will be supportive of our society»?

Le Président (M. Ouellette) : Who is answering? Mr. president.

M. Tukkiapik (Jobie) : Thank you. Well, if there are more questions, I can refer to our legal counsel, and Minnie has been on this file for quite a while.

In our present situation, we're already looking out for the enrollment status of beneficiaries in our region, so we have a kind of procedure in place already. For us, I feel that it would not take long at all to get this in effect. For sure, we need the support to eventually, probably, maybe get more staff than now, but, in terms of time, I could say... maybe within a year, once it's in place, or something like that.

But, as we said in our brief, it also has to happen at the same time that the bill is adopted, so that we don't have a void there where the adoptions are being carried out now and in our customs that are there now. So that's very important.

We have many examples of people of our own, Inuit, that have been caught between the cracks, where they don't have identity, and we'd like to avoid that. So, administratively, the procedure to get this in place, we can turn around quite quickly on this one.

• (15 h 30) •

Le Président (M. Ouellette) : Madam Minister.

Mme Vallée : You mentioned that there's a general form, more usual of customary adoption, but you also mentioned that there were other forms of adoptions or of ways of taking care of a child that were in place. Some of the groups that we've heard last week, especially... I think it was the Attikameks, they suggested that we put in place a provision for the delegation of the parental authority. Sorry, I'm trying to use the terms in French and in English. But they suggest that.

Would that kind of a suggestion be something that you would consider being useful for the communities that you represent?

Le Président (M. Ouellette) : Mme Grey.

Mme Grey (Minnie) : Yes. We need to distinguish between customary care and customary adoption. We are here to promote our right to continue our customary adoption. It's our tradition. It's something that we still practice today. It's not to say that we don't have a customary care. For example — I'm a grandmother now — if my daughter, having a three-year-old daughter, decides that she would like to take two years of study without taking care of her child, naturally, I would agree with her to take care of my three-year-old granddaughter. That's customary care. We all do that within families, I think. But here we're talking about customary adoption, a traditional practice that has been done for many years. So, when we're talking and promoting for the adoption of Bill 113, we're talking about customary adoption, not customary care.

Mme Vallée : And, for you, what, I understand, is the main difference is the permanent effect of the adoption versus the temporary...

Mme Grey (Minnie) : ...

Mme Vallée : ...that has to do with the care.

Mme Grey (Minnie) : ...practice it. We just want to see it recognized in the civil status, because, as we've heard... Andy is lucky to have made his paperwork done properly, but, to this day, when we talk about a child that had been born from an Inuit family living in Ontario and has been adopted to a family in Kuujjuarapik, for example, that person... that person will be 14 years old, wants to go on a school trip outside of Canada, his adoptive parents have no authority over that, so the other parents living in Ontario have to be involved. This is something where it's really extremely important. When a custom adoption is being done, it's verbally done between families, and, right now, through Makivik, we record all this, and they're now recognized, but we need... in order to get away from that bureaucracy of having to do these forms with these people and those people, we need to develop a system in place, an authority within Nunavik, and with collaboration with Québec, that that filiation is recognized and then it's put on the Québec birth certificate.

Le Président (M. Ouellette) : Madam Minister.

Mme Vallée : You also made a point of saying there are too many references to «the interest of the child» in some of the terms that are used in the bill, and I understand that, for you, it goes without saying, it's part... if I understand correctly the presentation that you made, it's unnecessary to use the term, because it goes without saying in customary adoption.

Then, if it goes without saying, what is the problem with the fact that the terms are being used in Bill 113?

Le Président (M. Ouellette) : Mme Grey.

Mme Grey (Minnie) : I think history has shown, with the introduction of foreign laws or foreign ways of doing things... We recognize, as Quebeckers, as Inuit in Nunavik, that, yes, there is the Youth Protection Act to protect the rights of the children, to ensure their safety and that they grow up not neglected and that they're not in danger.

We recognize that there is already a law, but our customs are also unwritten to ensure that we raise our children properly. I think, in every society, unfortunately, we see children that are not cared for. But we already have the law in Québec, which, we believe, having been imposed, in a way, in our society, has created a lot of negative impacts within our society, within our communities, and we believe that by bringing back some of our... well, by bringing back and continuing to use our traditions and having them recognized, it can empower the community, you know, to take on the responsibility of better care of children. Foreign law really cannot be imposed, should not impose itself on our customary practices.

I believe that the Youth Protection Act and the DYP can be linked and use this Bill 113 as a tool, but their roles should only be as an opinion and not to be about consent. The consent should be between the adoptive parents and the people giving their child away.

Le Président (M. Ouellette) : Madam Minister.

Mme Vallée : But, actually, Youth Protection does not have to give their consent, they give a notice, or «un avis», as we find in 543.1. But it's not a consent that has to be given by Youth Protection, it's basically just a notice. I'm trying to find the right term. But it's an «avis». It's quite different of the consent.

Le Président (M. Ouellette) : Mme Grey.

Mme Grey (Minnie) : Maybe I used the word «consent» in a wrong way, but there is already a lot of imposition of the Youth Protection Act in our society. So, when we look at 543.1 in the proposed bill, we believe that... when you go down to the third paragraph, «the competent authority issues a certificate attesting the adoption after making sure that it was carried out according to custom», we believe that the rest of the paragraph should not even be included, because it alludes to : «...[this] authority also makes sure, in light of an objective appraisal, that the adoption is in the interest of the child.»

We would like to see the Youth Protection Act and the customary adoption law be able to work together without one being more authoritative than the other. It's basically what we're trying to say.

Mme Vallée : ...but the consent is the consent of the parents, make sure that the consent of the parents is given without any kind of pressure. That's the objective of that.

Mme Grey (Minnie) : Yes. Well, there can never be a customary adoption if both parents don't consent.

Le Président (M. Ouellette) : Thank you, Mme Grey. Mme la députée de Joliette.
• (15 h 40) •

Mme Hivon : Oui. Bonjour. Hello. Welcome. We're very happy to be able to hear you today. Juste un petit moment pour que je salue à mon tour les juristes de l'État qui nous font encore une fois l'honneur de leur présence et leur dire que je leur souhaite un règlement négocié pour eux comme pour nous. Alors, je vais poursuivre en français. Si vous voulez mettre vos écouteurs. Au besoin.

Bien, je veux vous remercier. De ce que je comprends du dossier, c'est que ce sont vraiment les Inuits qui sont à l'origine de la démarche pour qu'il y ait une reconnaissance de l'adoption coutumière, parce que, chez vous, c'est une pratique qui est existante et très documentée — je vais y revenir — et parce que vous aviez, au fil du temps, eu des travaux ou des demandes auprès du Directeur de l'état civil pour que justement les choses puissent être simplifiées, et on voulait qu'il n'y ait pas de régime parallèle ou qu'il n'y ait pas d'assise... On voulait qu'il y ait des assises dans notre droit. Donc, c'est pour ça que je suis vraiment heureuse de pouvoir vous entendre, parce que je vous vois comme, je dirais, les principaux instigateurs, peut-être, de cette démarche-là, et je vous remercie. Je pense que vous avez, sans doute, fait un travail très sérieux, parce que vous êtes les seuls qui sont capables de nous documenter... Je vois à la page 5 de votre mémoire que vous parlez... en 1992, 23 % des Inuits de plus de 15 ans disaient qu'ils avaient été adoptés, 57 % des individus âgés de plus de 15 ans qui avaient été sondés avaient déclaré avoir été adoptés ou qu'ils avaient au moins donné un enfant en adoption, puis, en 2003, c'était 33 % des répondants qui déclaraient avoir été adoptés selon la coutume. Alors, je vous remercie parce que ça nous donne, je dirais, pour une fois vraiment un portrait clair de l'importance de la pratique coutumière. Alors, c'est pour ça que je veux vraiment vous entendre.

Je comprends que chez vous, pour qu'on parle d'adoption coutumière... on pourra revenir sur la garde coutumière, ou «care», c'est d'autre chose, mais, l'adoption, il faut que chez vous le lien de filiation nouveau soit établi clairement avec les nouveaux parents. Est-ce que je comprends que, dans tous les cas, le lien de filiation précédent est rompu ou est-ce que les deux peuvent coexister?

Le Président (M. Ouellette) : Mr. president or Mme Grey? Mme Grey.

Mme Grey (Minnie) : You know, you ask this question... I was at the Kuujuaq Airport, yesterday, waiting for my flight to come here and I noted a woman sitting in one of the chairs. I joined her and... We're from the same community, but Kuujuaq is becoming a big town, so we don't see each other very often, except at the airport. So we sat down and we talked. And there was this young man from up the coast, from our hometown. This lady lives in Kuujuaq now because she has married a man from Kuujuaq, and this young man... he's not so young anymore, but he's a grown man, he has his own family and he was sitting there, and we shook hands, and then he said to this woman, «Puukuluit.» He used the word «puukuluit». That means «the container I came from». That's the literal translation of a woman that gave a child for adoption. So this young man said «puukuluit» to this lady. I said, «I'm sorry, I'm going to have to move over there because I have to charge my computer.» So that was the end of their visit, because she had come up to the airport to see him. And she was very young when she had him, so she gave him up for adoption, and, to this day... he's now a family man and he calls her his «puukuluit» because he has grown up knowing that was his biological mother. And this is the respect that we have. Andy, who just spoke, was raised by his grandparents but knows his biological parents.

So this is something that is continued today. And I have two siblings. My mother adopted me. They know where they came from as children and they were my mother's children, my sister and brother, but, as we grow and become adults, we live amongst... in a community, and, you know, people sometimes get really confused as to saying «my sister and my brother», and somebody that doesn't understand this concept, they say, «Well, I thought Minnie was your sister.» Oh, no, no, no, she's my sister, my adopted sister, but those are my biological sisters and brothers. But that's how we've lived all our life, and it continues today.

Le Président (M. Ouellette) : Mme la députée de Joliette.

Mme Hivon : O.K. La raison pour laquelle je pose cette question-là, c'est que, dans le projet de loi, on parle un peu en termes de rupture de filiation, donc d'une nouvelle filiation. Là, ensuite, on a eu les Cris qui sont venus, qui nous ont dit : Bien, il n'y a pas nécessairement de rupture, il peut y avoir coexistence de deux... je parle juridiquement, là... ou dans la coutume. Puis là, à la fin de la semaine dernière, avec les Atikameks et les Innus, là, on nous a dit qu'il pouvait même ne pas y avoir de deuxième filiation et qu'on soit dans la garde, simplement.

Alors, moi, ce que je veux comprendre, parce que nous, on ne vous aura plus toujours avec nous pendant qu'on va étudier le projet de loi article par article : Est-ce que pour vous ces questions-là de filiation, de savoir s'il y a eu rupture du premier lien, s'il y a coexistence d'un premier et d'un deuxième... si, peut-être, il n'y a pas de deuxième lien, ce sont des questions importantes? Un. Et, deux, est-ce que pour vous c'est clair, dans la coutume inuite, si ces liens-là perdurent, s'ils sont rompus? Je ne parle pas des liens connus dans la communauté, mais plus d'un point de vue juridique ou social.

Le Président (M. Ouellette) : Mme Grey.

Une voix : ...

Le Président (M. Ouellette) : Oh, Mr. Pirti. OK.

M. Pirti (Andy) : Je vais essayer de répondre dans le contexte que je comprends aussi les questions qui sont posées. Il y a des raisons pourquoi on a des lois. On a des protections, on essaie de protéger les enfants, et c'est pour ça que ça vient, les règlements qu'on a aujourd'hui. Mais vous devez aussi comprendre que vous, vous avez une culture, vous avez des coutumes, et parfois les coutumes que vous avez, ça vient des habitudes qui viennent avec l'habitude de vie qu'on a dans notre société. Parfois, ce n'est pas toujours perçu comme normal de l'extérieur, mais c'est votre culture, c'est votre mode de vie. Nous aussi, on a des modes de vie, puis, la façon qu'on a adopté nos façons de vivre, c'est parce qu'elles sont acceptées par la société. Oui, parfois, ça peut être un petit peu difficile pour la mère de laisser l'enfant, mais il y a des raisons. À la fin, on croit que c'est meilleur pour l'enfant, c'est meilleur pour la mère, puis aussi on sait que la...

Moi, j'ai été adopté, j'ai été bien aimé, je n'ai jamais senti qu'il n'y avait pas l'amour dans ma famille, puis c'est socialement accepté. S'il y a une adoption ici, dans le sud, je sais que normalement il doit y avoir la protection du DYYP, qu'on dit en anglais, qui se trouve à être incluse, pour savoir qu'il n'y a pas de problème, dans cette coutume, qui se passe, mais pour nous autres c'est normal. Pour moi, dans mon village, j'avais ma mère biologique puis aussi j'avais ma mère adoptive. J'ai une bonne relation avec ma mère biologique aujourd'hui, mais, même si ma mère adoptive n'est plus avec nous aujourd'hui... mais ça a agrandi ma famille, et aujourd'hui je sens que j'ai une plus grosse famille, comme je dis, adoptive puis je me sens toujours chanceux que j'ai été adopté par mes parents.

Le Président (M. Ouellette) : ...un court commentaire, Mme la députée de Joliette, parce que votre temps est écoulé, là. Mais je l'ai fait avec Mme la ministre. Je ne sais pas si vous avez un dernier commentaire pour...

Mme Hivon : Ah! oui, j'en avais, parce que je pense qu'on s'est peut-être perdus dans la traduction.

Le Président (M. Ouellette) : Oui. O.K.

Mme Hivon : Mais allez-y.

Le Président (M. Ouellette) : Oui, M. le député de Borduas.

• (15 h 50) •

M. Jolin-Barrette : Merci, M. le Président. Mesdames messieurs, bonjour, merci de participer aux travaux de la commission.

Moi aussi, je vais saluer les juristes de l'État. Et, pour les gens qui nous écoutent aussi, on peut noter qu'on est en session intensive présentement et que, généralement, on étudie longuement des projets de loi à cette période-ci de l'année, que le salon bleu est supposé être ouvert jusqu'à 21 h 30, et maintenant le salon bleu est fermé, et les parlementaires n'étudieront pas de projet de loi, à part en commission parlementaire.

Donc, je pense que ça a peut-être un lien également avec le fait que les juristes soient sur la grève encore cette semaine et que le gouvernement les ignore.

Ceci étant dit, je vous remercie de votre présence et je vais vous poser quelques questions notamment sur l'adoption transfrontalière, parce qu'il y a différents groupes qui sont venus et qui nous ont dit : Dans le fond, on voudrait mettre un mécanisme en place pour que, les adoptions coutumières qui se réalisent sur des territoires outre-frontières nationales comme le Canada et les États-Unis ou entre les provinces, on puisse les reconnaître. J'aimerais vous entendre là-dessus, parce que vous l'abordez dans votre mémoire.

Le Président (M. Ouellette) : Mme Grey? Mme Labranche.

Mme Grey (Minnie) : Labranche.

Le Président (M. Ouellette) : Mme Labranche.

Mme Labranche (Elena) : As Minnie had mentioned earlier that a child being born in Ontario, being adopted to someone in Nunavik... the papers don't match, they don't follow, so this is why we would need a specific Québec table for it to be able to recognize the civil status of the child, no matter where this child is coming from when it's transported, I mean, from different borders, that type of thing, or different territorial or provincial boundaries. Therefore, we would like to have this specific table that, you know, would be able to oversee all the paperwork and that the status of the child is well accepted, no matter which territorial province this child is coming from.

Le Président (M. Ouellette) : M. le député de Borduas.

M. Jolin-Barrette : Donc, ce que vous réclamez, c'est que ça se retrouve sur une table, mais est-ce que vous nous invitez à légiférer sur ça également, le fait de faciliter la reconnaissance de l'adoption qui a été réalisée, supposons, dans d'autres provinces canadiennes? Est-ce que vous souhaitez qu'on légifère là-dessus, qu'on l'indique dans la loi?

Le Président (M. Ouellette) : Mme Labranche.

Mme Labranche (Elena) : Legally, it would be better for us to be... joint effort on this issue for both of us to be able to do the recognition of where this child is coming from, through the Civil Status.

Le Président (M. Ouellette) : Mme Grey, yes.

Mme Grey (Minnie) : I just would like to add a little bit. There's already today a practice where many people have relatives in Nunavut or Labrador, and, in the event of a Nunavik child being adopted to Nunavut, or vice versa, there has to be some kind of an authority in the other jurisdiction that recognizes this exchange. So this is what we would like to see happen.

M. Jolin-Barrette : O.K. Je comprends.

Le Président (M. Ouellette) : M. le député de Borduas.

M. Jolin-Barrette : Oui. En lien avec le troisième alinéa du paragraphe 543.1, vous disiez : Nous, on voudrait qu'il n'y ait pas du tout d'autorité compétente, on souhaite un mécanisme en place, qui existe, qu'on mette en place un mécanisme pour reconnaître l'adoption mais qu'il n'y ait pas d'autorité compétente désignée. Dans le fond, vous souhaitez avoir un arrangement, une convention mais sans que ça soit formellement indiqué. C'est bien ça que je comprends?

Le Président (M. Ouellette) : Mme Grey.

Mme Grey (Minnie) : We are not against a competent authority. We ourselves agree that there should be a kind of an authority, whether it be called competent or... probably name it an Inuktitut name which most of you might not be able to pronounce, but we would like to have an authority set up in Nunavik that will be the go-to authority when issues of this nature arise, where adoption has to be discussed, or authorized, or whatever, so that the proper paperwork will be done.

We're not against the competent authority, we just have some objections to some of the wording in that last paragraph, more specifically «in light of an objective appraisal, that the adoption is in the». We find that a little bit going away from the oral tradition and verbal tradition of making an adoption happen. And, as I said earlier responding to Minister Vallée, yes, there's the Youth Protection Act, we respect that, but we would also like to have a legal recognition of our tradition, which can work hand in hand.

Le Président (M. Ouellette) : M. le député de Borduas.

M. Jolin-Barrette : Oui. Puis je constate dans votre mémoire également, là, qu'à la page 8 vous citez des décisions de la Cour du Québec où on a eu à interpréter la Loi sur la protection de la jeunesse, et là vous nous dites, dans le fond : Bien, on a contesté parfois cette coutume-là de l'adoption coutumière, et qu'il y avait un certain vide juridique.

Si on vient corriger la situation avec la proposition, les articles de loi qu'on a présentement dans le projet de loi n° 113, est-ce que, selon vous, ça viendrait éviter ce genre de situation là, qui a été soulevée à la cour?

Le Président (M. Ouellette) : Who will be the last to answer? So, Mr. president or Mme Grey? Mme Grey.

Mme Grey (Minnie) : Yes, I believe that there can be clearer lines put in place, because the Youth Protection people will also be able to use the application of Bill 113 as their new tool of collaboration with the customary adoption, and it would put less emphasis on the legal aspect of adoption, and the courts would have a better understanding of how the Youth Protection has a role and how Inuit customary adoption has a role.

Le Président (M. Ouellette) : Thank you, Mme Grey. Merci, M. le président de la Société Makivik, Régie régionale de la santé et des services sociaux du Nunavik, M. Jobie Tukkiapik, M. Andy Pirti, Mme Mylène Larivière, Mme Minnie Grey et Mme Elena Labranche.

Mémoires déposés

Je nous rappelle avant de conclure les auditions que je procède au dépôt des mémoires des organismes qui n'ont pas été entendus lors des auditions publiques, parce que nous terminons nos auditions publiques aujourd'hui, j'ai nommé : M. Jean-Pierre Arcoragi, la Commission d'accès à l'information, le Conseil du statut de la femme et le Protecteur du citoyen. Cet après-midi, nous devons recevoir le comité des orphelins de Duplessis, qui s'est finalement désisté mais qui nous enverra un mémoire, aux membres de la commission, dans les prochains jours. Donc, 17 mémoires reçus, 15 organismes qui ont été entendus.

Merci à tous les membres, y compris M. le député d'Ungava, qui y a un intérêt particulier, et M. le ministre des Affaires autochtones, qui est venu nous voir aujourd'hui, pour votre contribution à nos travaux.

La commission, ayant accompli son mandat, ajourne ses travaux sine die.

(Fin de la séance à 15 h 58)