

CANADA

PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

N°: 500-06-000006-268

(Class Actions)
SUPERIOR COURT

DARHLENE TWENISH, domiciled and residing at

[REDACTED]
[REDACTED]

Applicant

v.

ATTORNEY GENERAL OF CANADA, having an office at the Québec Regional Office, located at Guy-Favreau Complex, East Tower, 200, René-Lévesque Boulevard West, 9th floor, in the city and district of Montréal, province of Québec, H2Z 1X4

and

ATTORNEY GENERAL OF QUÉBEC, having an office located at 1, Notre-Dame East, suite 8.00, in the city and district of Montréal, province of Québec, H2Y 1B6

and

CENTRE DE SERVICES SCOLAIRE DES HAUTS-BOIS-DE-L'OUTAOUAIS, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 331, Couvent, city of Maniwaki, district of Labelle, province of Québec, J9E 1H5

and

CENTRE DE SERVICES SCOLAIRE HARRICANA, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 341 Principale North, city of Amos, district of Abitibi, province of Québec, J9T 2L8

and

Heading continues on following pages

CENTRE DE SERVICES SCOLAIRE DU LAC-TÉMISCAMINGUE, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 2, Maisonneuve, city of Ville-Marie, district of Témiscamingue, province of Québec, J9V 1V4

and

CENTRE DE SERVICES SCOLAIRE DE L'OR-ET-DES-BOIS, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 799, Forest Boulevard, city of Val-d'Or, district of Abitibi, province of Québec, J9P 2L4

and

CENTRE DE SERVICES SCOLAIRE DE ROUYN-NORANDA, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 70, Oblats East, P.O. 908, city and district of Rouyn-Noranda, province of Québec, J9X 5C9

and

CENTRE DE SERVICES SCOLAIRE DES HAUTES-LAURENTIDES, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 525, Madone, city of Mont-Laurier, district of Labelle, Québec, J9L 1S4

and

CENTRE DE SERVICES SCOLAIRE DE LA BAIE-JAMES, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 596, 4th Street, city of Chibougamau, district of Abitibi, province of Québec, G8P 1S3

and

CENTRE DE SERVICES SCOLAIRE DES PHARES, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 435, Rouleau Avenue, city and district of Rimouski, province of Québec G5L 8V4

and

CENTRE DE SERVICES SCOLAIRE DE L'ESTUAIRE, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 620, Jalbert, city and district of Baie-Comeau, province of Québec, G5C 0B8

and

CENTRE DE SERVICES SCOLAIRE DU FER, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 30 Comeau, city of Sept-Îles, district of Mingan, province of Québec, G4R 4N2

and

CENTRE DE SERVICES SCOLAIRE DE LA MOYENNE-CÔTE-NORD, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 1235, Digue, municipality of Havre-Saint-Pierre, district of Mingan, province of Québec, G0G 1P0

and

CENTRE DE SERVICES SCOLAIRE DU LITTORAL, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 1581, Docteur-Camille-Marcoux Boulevard, municipality of Blanc-Sablon, district of Mingan, province of Québec, G0G 1C0

and

CENTRE DE SERVICES SCOLAIRE DU PAYS-DES-BLEUETS, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 828, Saint-Joseph Boulevard, city and district of Roberval, province of Québec, G8H 2L5

and

CENTRE DE SERVICES SCOLAIRE DE L'ÉNERGIE, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 2072, Gignac, P.O. 580, city of Shawinigan, district of Saint-Maurice province of Québec, G9N 3X2

and

CENTRE DE SERVICES SCOLAIRE DES SAMARES, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 4671, Principale, municipality of Saint-Félix-de-Valois, district of Joliette, province of Québec, J0K 2M0

and

CENTRE DE SERVICES SCOLAIRE DE LA RIVERAINE, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 375, Monseigneur-Brunault, city of Nicolet, district of Trois-Rivières, province of Québec, J3T 1Y6

and

CENTRE DE SERVICES SCOLAIRE DES MILLE-ÎLES, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 430, Arthur-Sauvé Boulevard, city of Saint-Eustache, district of Terrebonne, province of Québec, J7P 2B3

and

CENTRE DE SERVICES SCOLAIRE DE LAVAL, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 955, Saint-Martin Boulevard West, city and district of Laval, province of Québec H7S 1M5

and

CENTRE DE SERVICES SCOLAIRE DE RENÉ-LÉVESQUE, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 145, Louisbourg Avenue, city and district of Bonaventure, province of Québec, G0C 1E0

and

CENTRE DE SERVICES SCOLAIRE DE KAMOURASKA – RIVIÈRE-DU-LOUP, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 464, Lafontaine, P.O. 910, city of Rivière-du-Loup, district of Kamouraska, province of Québec, G5R 3Z5

and

CENTRE DE SERVICES SCOLAIRE DE LA CAPITALE, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 1900, Côté, city and district of Québec, province of Québec, G1N 3Y5

and

WESTERN QUÉBEC SCHOOL BOARD, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 15, Katimavik, city and district of Gatineau, province of Québec, J9J 0E9

and

CENTRAL QUÉBEC SCHOOL BOARD, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 2046, Saint-Louis Road, city and district of Québec, province of Québec, G1T 1P4

and

LESTER B. PEARSON SCHOOL BOARD, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 1925, Brookdale Avenue, city of Dorval, district of Montréal, province of Québec, H9P 2Y7

and

SIR WILFRID LAURIER SCHOOL BOARD, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 235, Montée Lesage, city of Rosemère, district of Terrebonne, province of Québec, J7A 4Y6

and

NEW FRONTIERS SCHOOL BOARD, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 214, McLeod, city of Chateauguay, district of Beauharnois province of Québec, J6J 2H4

and

EASTERN SHORES SCHOOL BOARD, legal person established in the public interest pursuant to the *Education Act*, RLRQ c I-13.3, having its head office at 40, Mountsorrel, municipality of New Carlisle, district of Bonaventure, province of Québec G0C 1Z0

Defendants

**APPLICATION FOR AUTHORIZATION TO INSTITUTE A CLASS ACTION AND TO
OBTAIN THE STATUS OF REPRESENTATIVE
(Art 575 C.C.P.)**

**TO ONE OF THE HONOURABLE JUDGES OF THE SUPERIOR COURT OF QUÉBEC
SITTING IN THE DISTRICT OF MONTREAL, THE APPLICANT RESPECTFULLY
SUBMITS:**

I. OVERVIEW

1. This class action concerns a chapter of the history of Indigenous education in Canada which has received comparatively less attention than others, such as the residential school system.
2. Starting in the mid-20th century, the Government of Canada's policy with respect to Indigenous education shifted towards integrating Indigenous youth into the provincial school systems attended by the non-Indigenous population. To this end, it entered into agreements with the government of Québec (along with all other provincial governments) and with provincial school boards.
3. Though purportedly meant to end segregation and differential treatment of Indigenous youth, the so-called integration policy perpetuated those practices by sending Indigenous youth into an educational system which attached little to no value to their language and culture. Indeed, both the objectives and effects of this policy were for these youth to abandon their identity in favor of that held by the non-Indigenous majority.
4. As in other educational systems imposed on Indigenous peoples, abuse and discrimination by school staff remained rampant in the provincial schools frequented by Indigenous youth. Furthermore, Indigenous youth subjected to the integration policy faced a new scourge, namely that of racially motivated abuse at the hands of their non-Indigenous classmates.
5. This class action aims to bring to light this heretofore little-known chapter in the history of colonial subjugation and racism suffered by the Indigenous peoples of Québec and Canada, and to compensate both the survivors of the integration policy and their family members.

II. THE NATURE OF THE CLASS ACTION AND THE CLASS THE APPLICANT WISHES TO REPRESENT

6. The Applicant seeks to institute a class action based on the common law, the *Civil Code of Lower Canada*, the *Civil Code of Québec* and the *Charter of Human Rights and Freedoms*, on behalf of the following classes:

- a. Survivor Class:

All persons subject to the Indian Act who attended a public school in the province of Québec, between 1951 and 2014, pursuant to one or more agreements related to the education of Indian children made by the Government of Canada with the Government of Québec and/or a school board of the province of Québec.

For greater certainty, this class excludes all persons who only attended a school administered exclusively by a band council as defined in the Indian Act, or only attended a school pursuant to one or more agreements made by such a band council with only the Government of Québec and/or a school board.

All persons who are a member of the class action known as Jonah and Jérôme v. Attorney General of Canada et al. (Québec Superior Court no. 500-06-000999-199) are also excluded from the class.

b. Family Class:

Any spouse or civil union partner, sibling and direct descendant in the first or second degree of a member of the “Survivor Class,” as well as any spouse or civil union partner of any sibling or direct descendant in the first or second degree of such a person.

All persons who are a member of the class action known as Jonah and Jérôme v. Attorney General of Canada et al. (Québec Superior Court no. 500-06-000999-199) are also excluded from the class.

III. THE PARTIES

A. The Defendants

7. The Attorney General of Canada (“**Canada**”) answers for the acts and omissions alleged below committed by agents or servants of the Government of Canada.
8. The Attorney General of Québec (“**Québec**”) answers for the acts and omissions alleged below committed by the Government of Québec or its subordinates.
9. The Defendant Centres de services scolaires and English-language school boards are the successor organizations to the former Québec school boards identified below, and owe the obligations originally owed by them, by reason of their acts and omissions or those of their subordinates, as alleged below.

B. The Applicant

10. The Applicant Darhlene Twenish is a member and former band councilor of the Kitigan Zibi Anishinabeg, whose reserve is located in the Outaouais region of the province of Québec.
11. As of approximately 1965, while residing in Kitgan Zibi, the Applicant attended two different schools in the neighbouring town of Maniwaki, operated by two school

boards who were predecessors to the Defendants Centre de services scolaire des Hauts-Bois-de-l'Outaouais and Centre de services scolaire des Hautes-Laurentides.

IV. THE APPLICANT AND CLASS MEMBERS' CAUSES OF ACTION AGAINST THE DEFENDANTS

C. Integration of Indigenous Children into Québec's Education System

12. In the decades following Confederation, schools serving Indigenous children in Canada were mostly operated by churches and missionary organizations, with little funding or involvement from the federal government.
13. During the first two decades of the 20th century, Canada gradually increased its participation in and oversight over Indigenous education. For instance, 1906 amendments to the *Indian Act* gave Canada the authority to enforce compulsory school attendance by Indian children. In 1920, further amendments empowered the Governor in Council to establish and regulate schools for these children.
14. As a result, throughout the first half of the 20th century, Canada administered an education system serving only Indigenous students, in collaboration with religious organizations. This system included both the residential schools system, as well as the day school system described further below.
15. After World War II, representatives of Canada's Indian Affairs Branch began to advocate for ending separate education of Indigenous children, and for the integration of these children into provincially run schools, using intergovernmental agreements.
16. From 1946 to 1948, a Special Joint Committee of the Senate and the House of Commons reviewed "Indian affairs." In its final report, the Committee endorsed this new policy of integration:

7. The Operation of Indian Schools

Your Committee recommends the revision of those sections of the Act which pertain to education, in order to prepare Indian children to take their place as citizens.

Your committee, therefore, recommends that wherever and whenever possible Indian children should be educated in association with other children.

as appears from a copy of this report entitled *Recommendations of the Special Joint Committee of the Senate and the House of Commons, Exhibit P-1*.

17. When the *Indian Act* was amended in 1951, in order to implement this recommendation, the Governor in Council was given the power to authorize the Minister for Indian Affairs to make agreements with the provinces, territories, public school boards or religious institutions for the education of Indian children: *An act respecting Indians*, SC 1951, c. 29, s. 113; *Indian Act*, RSC 1952, c. 149, s. 113; *Indian Act*, RSC 1970, c I-6, s. 114.
18. On the basis of these new provisions, Canada began entering into such agreements, frequently referred to as “joint school agreements”. As appears from the Indian Affairs’ Branch *Field Manual* for Indian Agents, excerpts of which are **Exhibit P-2**, by 1957, integration was Canada’s explicitly stated policy:

The Indian Affairs Branch is convinced that, where possible, Indian children should be educated in association with children of other racial groups. Where non-Indian day schools are conveniently located, the Indian Affairs Branch is prepared to enter into agreements with the authorities operating these schools to make possible the admission of Indian children rather than establish a separate day school for Indian children only on the reserve.

19. In 1963, the Governor in Council authorized the Minister of Indian Affairs (under certain conditions) to make these agreements without his assent, allowing for a further expansion of this policy, as appears from Order in Council C.P. 1963-5/382, **Exhibit P-3**.
20. In 1967, the “Hawthorn Report” published by the Indian Affairs Branch, entitled *A Survey of the Contemporary Indians of Canada: Economic, Political, Educational Needs and Policies*, reported in Part 2 that:

Attendance of Indian children at integrated schools is ensured by joint agreements between the Indian Affairs Branch and the school boards concerned. The basic principles governing these agreements are as follows:

aa) The federal government agrees to pay a portion of the school’s administrative expenses for each Indian admitted and a portion of the capital invested in each new construction intended for Indian students.

bb) The school board agrees to admit Indian students to its schools and to see that they are treated on an equal basis with the other students.

cc) No joint agreement may be signed without the prior consent of the Indian parents.

as appears from **Exhibit P-4**.

21. As explained in the Hawthorn Report above, two types of joint school agreements were commonly used, namely, tuition fee agreements and capital cost agreements, or a combination of both.
22. Tuition fee agreements provided that Canada was to pay a province or school board a set fee for each Indigenous child who attended a given school. These agreements also aimed at ensuring that the school provide specific services to Indigenous children, in accordance with their linguistic, cultural and educational needs, and thus included lists of special educational services which were negotiated for each school.
23. Capital cost agreements provided for contributions by Canada to the cost of the educational facilities which would be used by a province or school board. As appears from a 1972 memorandum to regional superintendents of education by the director of the Education Branch of the Department of Indian Affairs and Northern Development, **Exhibit P-5**, capital cost agreements were used to meet three types of situations, namely, where:
 - a. Canada contributed to the capital costs of (or “bought into”) existing provincial schools which had started admitting Indigenous students;
 - b. Canada and a province or school board expanded an existing provincial school and shared the costs of this expansion on a *pro rata* basis determined by the average number of Indigenous children projected to attend the school;
 - c. Canada and a province or school board built a new school, sharing construction costs on a similar *pro rata* basis.
24. Appended to Exhibit P-5 are models of tuition fee and capital cost agreements approved by the Department of Indian Affairs and Northern Development as guidelines for negotiations with school boards under the joint school program.
25. In 2019, the Federal Court approved a settlement of the *McLean v. Canada* (case no. T-2169-16) class action, brought on behalf of all persons who had attended the day schools operated for Indigenous students by Canada; the reasons for approval of this settlement are attached as **Exhibit P-6**¹.
26. The parties to the *McLean* class action jointly retained historian Dr. Betsey Baldwin of the historical research firm Public History Inc. to prepare a report on Canada’s policy with respect to these day schools from 1920 to 1996, **Exhibit P-7** (the “**Public History Report**”), which was filed in the Federal Court record in April 2019.

¹ *McLean v. Canada*, 2019 FC 1075

27. Although this was not its principal focus, the Public History Report studied the development of the integration policy in Indigenous education, including the development of joint school agreements and obtained statistics quantifying their expansion over time.
28. According to the Public History Report, by May 1963, approximately 40% of Indigenous students across Canada were enrolled in provincial or territorial schools and this figure had grown to over 50 % by 1969.
29. Starting in the early 1970s, Canada's educational policy began gradually to shift towards giving First Nations increasing control over their children's education. As a result, in certain cases, Indian bands were given funding to conclude new agreements which would replace the joint school agreements made by Canada with provinces or school boards. In other cases, these bands received funding from Canada to establish and operate schools themselves. Students who attended school pursuant to either of these new policies are not included in this class action.
30. Nevertheless, records obtained from Canada in the *Jonah v. Canada et al.* class action (Superior Court no. 500-06-000999-199 - see below - hereinafter "**Jonah**") demonstrate that the enrollment of Indigenous students in Québec's school system under joint school agreements made by Canada remained high throughout the 1970s.
31. Exhibits **P-8** and **P-9** are lists prepared by Indian Affairs compiling the number of Indigenous students enrolled in the federally, provincially (through school boards) or privately operated schools located in Québec for the school years 1970-1971 and 1973-1974.
32. These lists include the schools identified below, operated by various school boards which were predecessor organizations to one of the Defendant Centres de services scolaires or English-language school boards:
 - a. Centre de services scolaire des Hauts-Bois-de-l'Outaouais is the successor of the Commission scolaire de Maniwaki, which operated Saint Patrick Elementary School in Maniwaki near Kitigan Zibi.
 - b. Centre de services scolaire Harricana is the successor of the Commission scolaire d'Amos, which operated École Sainte-Thérèse, École Sacré-Cœur, École Notre-Dame, Centre d'études supérieures, École Saint-Viateur, École Assomption, École des métiers, École Saint-Marc and École d'Amos, all located in Amos near the Anishinaabe community of Pikogan.
 - c. Centre de services scolaire du Lac-Témiscamingue is the successor of:

- i. the school board of the Parish of Notre-Dame-du-Nord, which operated École Saint-André, École Saint-Louis, École Sainte-Thérèse, École Polyvalente Rivière-des-Quinze, École Notre-Dame-du-Nord, and École Témiskaming, all located in Notre-Dame-du-Nord near the Anishinaabe community of Timiskaming; and
 - ii. the school board(s) which operated École Latulipe, located in Latulipe-et-Gaboury near the Anishinaabe community of Timiskaming.
- d. Centre de services scolaire de l'Or-et-des-Bois is the successor of:
 - i. the school board(s) which operated École Aikman, École Chanoine-Delisle, École Saint-Louis, École Senneterre and École Saint-Paul, located in Senneterre near the Anishinaabe community of Lac Simon;
 - ii. the school board(s) which operated École Cadillac and École Louis-Querbes (Cadillac), located in Rouyn-Noranda near the Anishinaabe communities of Winneway and Timiskaming;
 - iii. the school board(s) which operated École Desmarais, École le Carrefour, École professionnelle de Val-d'Or, École Sacré-Cœur and École Sainte-Marie, located in Val-d'Or near the Anishinaabe community of Lac Simon.
- e. Centre de services scolaire de Rouyn-Noranda is the successor of the school board(s) which operated École d'arts et métiers de Rouyn-Noranda, École Paul VI, École polyvalente de Rouyn-Noranda, École Sainte-Anne, École Notre-Dame, École Sacré-Cœur, École Louis-Hébert and École Sainte-Brigitte, all located in Rouyn-Noranda.
- f. Centre de services scolaire des Hautes-Laurentides is the successor of:
 - i. Commission scolaire des Hautes-Laurentides, which operated Cité étudiante de le Haute-Gatineau in Maniwaki; and
 - ii. the school board(s) which operated Mont-Laurier School, located in Mont-Laurier near Kitigan Zibi.
- g. Centre de services scolaire de la Baie-James is the successor of:
 - i. the school board(s) which operated École Galinée and École Matagami, located in Matagami near the Cree community of Waswanipi;

- ii. the school board(s) which operated École Boréal (*sic*), located in Lebel-sur-Quévillon near the Cree community of Waswanipi; and
 - iii. the school boards which operated Mountain School, located in Chapais near the Cree community of Waswanipi;
- h. Centre de services scolaire des Phares is the successor of Commission scolaire Les Escoumins, which operated École Marie-Immaculée and École Saint-Marcellin, located in Les Escoumins near the Innu community of Essipit.
- i. Centre de services scolaire de l'Estuaire is the successor of :
 - i. the school board(s) which operated École du Ruisseau-Vert, located in Ragueneau near the Innu community of Pessamit; and
 - ii. the school boards(s) which operated Collège Hauterive and École secondaire Hauterive, located in Baie-Comeau near the Innu community of Pessamit.
- j. Centre de services scolaire du Fer is the successor of the Commission scolaire de Sept-îles, which operated École secondaire McCormick, École Marie-Immaculée, École Louis-Hébert, École Jacques-Cartier, École secondaire Gamache, Institut La Vérendrye, École Divot, École secondaire de Sept-Îles and École Jean-du-Nord, all located in Sept-îles near the Innu community of Uashat mak Mani-Utenam.
- k. Centre de services scolaire de la Moyenne-Côte-Nord is the successor of :
 - i. Commission scolaire Louis-Joliet, which operated École Longue-Pointe Mingan, located in Mingan near the Innu community of Ekuanitshit, as well as École de Natashquan and École Notre-Dame-des-Anges, located in Natashquan near the Innu community of Nutashkuan; and
 - ii. the school board(s) which operated École Mgr. Labrie, located in Havre-Saint-Pierre near the Innu community of Ekuanitshit.
- l. Centre de services scolaire du Littoral is the successor of the school board(s) which operated École Saint-Paul, located in Rivière-Saint-Paul near the Innu community of Pakuashipi.
- m. Centre de services scolaire du Pays-des-Bleuets is the successor of:

- i. the school boards(s) which operated École de Roberval, Centre Bellevue, Cité/Villa Étudiante de Roberval, École/Collège Notre-Dame, École Jean-Dequin², and École/Collège Saint-Georges, all located in Roberval near the Innu community of Mashteuiatsh (Pointe-Bleue); and
 - ii. the school board(s) which operated École Bon-Conseil, located in Saint-Prime near the Innu community of Mashteuiatsh (Pointe-Bleue).
- n. Centre de services scolaire de l'Énergie is the successor of
- i. the school board(s) which operated École Centrale, École Eugène-Corbeil, École Jacques-Buteux and École Marie-Médiatrice, all located in La Tuque near the Atikamekw community of Wemotaci; and
 - ii. the school board(s) which operated École de Shawinigan, École de Shawinigan C.S.I.C., École Notre-Dame-de-Shawinigan, Polyvalente Val-Mauricie, Polyvalente des Chutes³, École Sainte-Jeanne-d'Arc, École Francis-Boulay and École Sainte-Croix, all located in Shawinigan near the Atikamekw community of Wemotaci.
- o. Centre de services scolaire des Samares is the successor of the school board(s) which operated École Saint-Viateur, École Thérèse-Martin, École Barthélémy-Joliette⁴, Pavillon Félix-Gadoury and École Fayard, all located in Joliette near the Atikamekw community of Manawan.
- p. Centre de services scolaire de la Riveraine is the successor of:
- i. the Catholic Episcopal Corporation of Nicolet, which operated École Maurault, located in Pierreville near the Abenaki community of Odanak; and
 - ii. the school board(s) which operated École Provencher and École Polyvalente de Nicolet, located in Nicolet near the Abenaki community of Wôlinak.
- q. Centre de services scolaire du Chemin-du-Roy is the successor of the school board(s) which operated École de La Salle, located in Trois-Rivières near the Abenaki community of Wôlinak.

² This school is not listed in Exhibits P-8 or P-9, but was attended by class member C.D., as alleged below.

³ This school is not listed in Exhibits P-8 or P-9, but was attended by class member by A.B., as alleged below.

⁴ This school is not listed in Exhibits P-8 or P-9, but was attended by class member Claudia Newashish, as alleged below.

- r. Centre de services scolaire des Mille-Îles is the successor of:
 - i. the school board(s) which operated Saint-Eustache Joint Elementary School and École Saint-Eustache, located in Saint-Eustache near the Mohawk community of Kanesatake;
 - ii. the school board(s) which operated École Deux-Montagnes and École du Lac-des-Deux-Montagnes, located in Deux-Montagnes near the Mohawk community of Kanesatake; and
 - iii. the school board(s) which operated Oka Joint School, located in Oka near the Mohawk community of Kanesatake.
- s. Centre de services scolaire de Laval is the successor of the school board(s) which operated École Sainte-Marguerite, located in Laval near the Mohawk community of Kanesatake.
- t. Centre de services scolaire René-Lévesque is the successor of the school board(s) which operated École polyvalente Carleton, located in Carleton-sur-Mer near the Mi'gmaq communities of Gesgapegiag and Listuguj.
- u. Centre de services scolaire de Kamouraska-Rivière-du-Loup is the successor of the school board(s) which operated École Desbiens, located in Sainte-Arsène near the Wolastoqiyik community of Kataskomiq.
- v. Centre de services scolaire de la Capitale is the successor of:
 - i. the school board(s) which operated Loretteville Joint School, Lorette Roman Catholic School, École Béranger-Boivin, École l'Escale, École Morissette, École Saint-Joseph, École Saint-Viateur and Institut Saint-Louis, all located in Loretteville near the Huron-Wendat community of Wendake; and
 - ii. the school board(s) which operated École polyvalente de Neufchâtel, located in Neufchâtel near the Huron-Wendat community of Wendake.
- w. Western Québec School Board is the successor of:
 - i. Maniwaki Protestant School Board, which operated Maniwaki Intermediate School and Maniwaki Protestant School, located in Maniwaki;

- ii. the school board(s) which operated Noranda High School, Noranda School and Carmichael School, all located in Rouyn-Noranda;
 - iii. the school board(s) which operated Percival High School, located in Val-d'Or; and
 - iv. the Protestant Regional School Board of Ottawa Valley, which operated Philémon Wright High School, located in Gatineau (then Hull) near Kitigan Zibi.
- x. Central Québec School Board is the successor of the Eastern Québec Regional School Board, the Protestant School Municipality of Upper St. Maurice/St. Maurice Protestant School Board, and La Tuque Public School Board/La Tuque Board of School Trustees, which operated La Tuque Joint School/La Tuque High School, located in La Tuque.
- y. Lester B. Pearson School Board is the successor of the school board(s) which operated Bishop Wheelan High School and Lachine Roman Catholic Joint School, located in Lachine near the Mohawk community of Kahnawake.
- z. Sir Wilfrid Laurier School Board is the successor of the North Island Regional School Board and Laurenval School Board which operated Western Laval High School/Chomedey High School, located in Laval near the Mohawk community of Kanesatake.
- aa. New Frontiers School Board is the successor of the Châteauguay Valley English Protestant School Board, which operated Howard S. Billings High School and Centennial Park Elementary School, located in Châteauguay near the Mohawk community of Kahnawake.
- bb. Eastern Shores School Board is the successor of the school board(s) which operated New Richmond High School, located in New Richmond near the Mi'gmaq community of Gesgapegiag.
33. Records obtained from Québec in the *Jonah* class action confirm that enrollment in joint schools continued at least into the 2000s: total enrollment in joint schools was 2794 for the 1982-1983 school year, 2042 for the 1991-1992 school year, 654 for the 1999-2000 school year, and 880 for the 2005-2006 school year, as appears from documents entitled "Clientèle scolaire autochtone", **Exhibit P-10**, "Données sur les effectifs scolaires autochtones pour 1991-1992 (...)", **Exhibit P-11**, "Direction de la gestion des systèmes de collecte – Élèves autochtones", **Exhibit P-12** and "Élèves autochtones sous entente de scolarisation selon la commission scolaire et l'établissement – DCS 2005-2006", **Exhibit P-13**. The Applicant notes, however, that

these records likely also contain students who attended a provincial school by virtue of an agreement between a band council and a school board, and who are therefore excluded from the class description.

34. In 2014, sections 118 and 119 of the *Indian Act*, which had given Canada the power to determine where a registered Indian attended school, were repealed by *An Act to Amend the Indian Act (Publication of by-laws) and to provide for its replacement*, SC 2014, c 38, s. 17.

D. Abuse and Discrimination Suffered by Class Members at Joint Schools

35. Survivor Class members suffered the following forms of abuse and discrimination at joint schools:
- a. Devaluation of Indigenous identity, language and culture;
 - b. Physical, sexual or psychological abuse;
 - c. Segregation of Indigenous students, inappropriate instruction under curricula intended for academically challenged students and/or absence of adaptation of curricula to account for students' linguistic background.
36. Survivor Class members were the subject of frequent racist comments or practices by school staff directed at their Indigenous identity or culture. They also faced racist bullying by non-Indigenous students without proper protection from school staff. Racist practices faced by class members included:
- a. Prohibition of certain cultural practices, such as wearing long hair for boys, or mocking of these practices by staff or students;
 - b. Prohibition of speaking Indigenous languages, or mockery by staff or students directed at these languages;
 - c. Unnecessary and humiliating practices purportedly meant to ensure their cleanliness, such as systematic administration of lice treatments to Indigenous students;
 - d. Unnecessary medical procedures and examinations conducted in a humiliating manner, such as forcing several students to remove all their clothes in one another's presence and in the view of other students to undergo medical examinations.
37. Despite many of the joint school agreements providing for the teaching of Indigenous languages to class members, many schools never offered this subject or allocated

grossly insufficient time to its instruction. For example, a report on education of Indigenous students in public elementary schools presented in 1976 to Québec's Ministry of Education noted that at École Notre-Dame in Schefferville, 30 minutes per week were allocated to teaching the Innu-aimun language, an allocation deemed "ridiculously low" ("*ridiculement bas*") by the education specialist Jean Hénaire, as appears from the report entitled *Rapport de recherche sur la situation pédagogique des enfants amérindiens fréquentant les écoles francophones élémentaires sous l'autorité des commissions scolaires du Québec*, **Exhibit P-14**.

38. These practices caused many class members to lose mastery of Indigenous languages and/or to lose their attachment to their Indigenous identity and culture.
39. Many Survivor Class members suffered sexual abuse by teachers, school staff or other adults allowed to be on the premises, such as clergy or agents and servants of Canada's Department of Indian Affairs and Northern Development.
40. Survivor Class members also suffered corporal punishment that exceeded what was reasonable under the circumstances and were disproportionately targeted for this type of punishment compared with non-Indigenous students. These corporal punishments often created generalized terror among Indigenous students and regularly caused physical injuries.
41. The racist bullying endured by Survivor Class members from non-Indigenous children frequently included physical violence.
42. Survivor Class members were also subject to unnecessary and cruel medical procedures, organized by officials from Health and Welfare Canada in collaboration with school personnel. Examples include unnecessary removal of teeth without anesthetic, or systematic administration of tuberculosis detection tests to Indigenous students involving painful scratches to children's backs. These medical procedures were systematically conducted without any prior consultation with students' parents or guardians.
43. Finally, Survivor Class members were frequently psychologically abused by teachers and school staff, for example by being publicly humiliated when they were unable to successfully complete class work or were accused of misbehaviour. Humiliating practices included public belittlement or refusal of bathroom breaks.
44. Survivor Class members were the victims of unfair and racist educational practices which severely undermined their ability to achieve academic success. Indigenous students were systematically placed in classes reserved for academically challenged students, often on the basis of psychological or IQ tests that were culturally biased and/or did not account for these students' limited mastery of French or English – this

practice is amply documented and criticized in Jean Hénaire's report cited above, Exhibit P-14, as well as in other reports authored or co-authored by him for Québec's Ministry of Education, namely a 1976 report titled *Études et documents : L'univers scolaire des Montagnais*, **Exhibit P-15**, and a 1979 report entitled *La scolarisation des Amérindiens : échec et oppression*, **Exhibit P-16**. This practice is also documented in other reports prepared for that Ministry, namely a 1981 report entitled *Situation de l'Amérindien en milieu scolaire québécois: Pour une égalité des chances*, **Exhibit P-17**, and a second 1981 report entitled *Étude descriptive : Données statistiques se rapportant à l'absentéisme et aux résultats scolaires des enfants montagnais de l'École Notre-Dame de Schefferville (Section primaire)*, **Exhibit P-18**.

45. In addition to the devaluation of Indigenous languages, the previously cited reports all document the injustice faced by Survivor Class members with an Indigenous mother tongue: the school curriculum was not adapted in order to account for these students' reception of education in a second or third language that they often did not master well. Two other studies conducted by the Ministry of Education also documented this situation, namely a study titled *Document d'information: Données recueillies par le M.E.Q. auprès des commissions scolaires relatives aux services offerts aux élèves amérindiens pour l'année 1979-80*, **Exhibit P-19**, and another titled *École primaire Notre-Dame, Schefferville, Rapport du sondage effectué auprès du personnel enseignant de l'École* **Exhibit P-20**.
46. As documented in these reports, the proportion of Survivor Class members who did not complete secondary – or even elementary – schooling was extremely high. The various forms of abuse and discrimination described above all contributed to this phenomenon.

E. The Jonah Class Action and its Relation to this Case

47. On December 8, 2023 (with corrected reasons released on December 11, 2023), the Superior Court authorized James Jonah and Adrienne Jérôme to bring a class action against Canada, Québec and seven Centres de services scolaires, on behalf of the following classes:

Groupe des survivants – réserves ou établissements indiens : « Toute personne assujettie à la *Loi sur les Indiens* et ayant fréquenté entre 1951 et 2014 au Québec, une École de jour provinciale, publique ou religieuse, située dans une communauté autochtone (réserve ou établissement indien) et dont le ministre des Affaires indiennes pouvait ou prétendait pouvoir enjoinde la fréquentation. »

Pour plus de clarté, sont exclues de la définition du « Groupe des survivants – réserves ou établissements indiens » les Écoles administrées exclusivement par un conseil de bande, tel que défini dans la *Loi sur les Indiens*.

Groupe familial – réserves ou établissements indiens : « Tout époux ou conjoint uni civilement, tout frère ou sœur et toute personne descendante directe au premier ou au deuxième degré d'un membre du « Groupe des survivants – réserves et établissements indiens », ainsi que tout époux ou conjoint uni civilement de tout frère, sœur, ou personne descendante directe au premier ou deuxième degré d'une telle personne. »

Groupe des survivants – villages inuits : « Toute personne, inscrite ou ayant le droit d'être inscrite à titre de bénéficiaire inuit en vertu de la Convention de la Baie James et du Nord québécois ou auprès d'une organisation inuite de revendication territoriale, ayant fréquenté entre 1963 et 1978, au Québec, une École de jour provinciale, publique ou religieuse située dans un village inuit et dont le gouvernement du Québec pouvait ou prétendait pouvoir enjoindre la fréquentation. »

Groupe familial – villages inuits : « Tout époux ou conjoint uni civilement, tout frère ou sœur et toute personne descendante directe au premier ou au deuxième degré d'un membre du « Groupe des survivants – villages inuits », ainsi que tout époux ou conjoint uni civilement de tout frère, sœur, ou personne descendante directe au premier ou deuxième degré d'une telle personne. »

Sont exclues de tous ces groupes les demandes, ou les portions de demandes, de toute personne concernant une agression sexuelle par tout religieux, membre ou employé de la Congrégation religieuse connue sous le nom Les Missionnaires Oblats de Marie Immaculée à l'extérieur des activités d'une École de jour provinciale, publique ou religieuse.

as appears from a copy of the corrected authorization judgment in *Jonah*, **Exhibit P-21**.⁵

48. As appears from the *Jonah* authorization judgment, Mr. Jonah and Ms. Jérôme (who are represented by the undersigned counsel – the “**Jonah Plaintiffs**”) were authorized to bring a class action on behalf of classes of Indigenous students making similar claims of abuse and discrimination in Québec schools to those alleged above.
49. As appears from the *Jonah* class descriptions, the two “réserves et établissements indiens” classes covered by *Jonah* include schools attended by Indigenous children pursuant to the integration policy described above, namely schools operated by Québec or a school board pursuant to agreements made with Canada. However,

⁵ J.J. c. *Procureur général du Québec*, 2023 QCCS 4653 (leave to appeal denied : *Centre de services scolaire de la Baie-James c. J.J.*, 2024 QCCA 205).

these class descriptions contain a territorial limit, in that they include only schools located in a First Nation community (namely a reserve or Indian settlement).

50. After having reviewed historical documents disclosed during litigation (including dozens of joint school agreements), the *Jonah* Plaintiffs concluded that the restriction of these class descriptions to schools located in a First Nation community was inconsistent with the integration policy.
51. In fact, historical records make clear that Canada's integration policy was deployed both to provincially run schools located in First Nation communities and to all the other public schools across Québec who admitted Indigenous students.
52. As an illustration, the Applicant attaches as Exhibits **P-22** to **P-31** the capital cost agreements whereby the joint school attended by *Jonah* Plaintiff Adrienne Jérôme was built in the community of Lac Simon with funding from Canada and the Commission scolaire de Val-d'Or, as well as various tuition fee agreements concluded with respect to this school.
53. As appears from Exhibits **P-32** to **P-39**, the capital cost and tuition fee agreements concluded relative to Schefferville's École Notre-Dame, located in Schefferville, outside the Innu community of Matimekush-John Lake on lands which were later added to the reserve, are virtually identical to those concluded with respect to Lac Simon.
54. Both these schools are included in the Indian Affairs lists of provincial schools attended by Indigenous students, Exhibits P-8 and P-9.
55. These inventories also contain many schools which had been identified in the *Jonah* Plaintiffs' authorization application, but which historical documents subsequently indicated were in fact not located on reserve or Indian settlement lands – the First Nation communities in this situation are the following:
 - a. Waskaganish
 - b. Gesgapegiag
 - c. Listuguj
 - d. Unamen Shipu
 - e. Matimekush – John Lake
 - f. Pakuashipi

56. The *Jonah* Plaintiffs filed an application to modify the class description, in order to include all joint schools in Québec. On September 5th, 2025, the Superior Court dismissed their application, as appears from a copy of the Court's decision, **Exhibit P-40**⁶.
57. In this decision, the Court ordered the parties to continue discussions relating to the inclusion of the former students of these First Nation communities in the *Jonah* class. It is therefore possible that some of these students remain, by consent of the parties, members of the *Jonah* class action even though the school they attended was not located on reserve or Indian settlement lands.
58. However, for greater certainty, any person who is not a member of the *Jonah* class because of the geographical location of the school they attended will be covered by the description of the present proposed class action.

F. The Abuse and Discrimination Suffered by the Applicant

59. The Applicant attended pre-kindergarten and kindergarten at the federal school located on the Kitigan Zibi reserve, Congway Bridge School.
60. She then attended Saint Patrick Elementary School ("**Saint Patrick's**") in the neighbouring town of Maniwaki, operated by the Commission scolaire de Maniwaki, where she was both the victim and a witness of racism and physical and psychological abuse.
61. Although she was never a victim of physical abuse by teachers or staff, she frequently witnessed other Indigenous students receiving severe abuse, such as:
 - a. Students being struck violently on the head or hands with hard cover textbooks.
 - b. Students being grabbed by the throat, lifted off the floor and slammed repeatedly into a wall, leaving bruises on their necks.
 - c. On a few occasions, a teacher grabbed students by the ankles and hung them out the window of the second floor of the school - other students told her about this form of "punishment" being inflicted on them or others.
62. For one or two school years, students from Kitigan Zibi were dropped off by school buses at the Maniwaki arena, which was separated from the entrance to Saint Patrick's by a baseball field. During this period, the Applicant and her fellow

⁶ *Jonah c. Procureur général du Québec*, 2025 QCCS 3179

Indigenous students were subject to daily racially motivated attacks on this field by students from a nearby school, École Sacré-Coeur, without any protection from the staff of that school or Saint Patrick's.

63. Every morning when Kitigan Zibi students got off the bus, the Sacré-Coeur students would be waiting for them on top of a hill overlooking the baseball field. Those students would yell racist insults, throw different projectiles at them including rocks, or chase after the Indigenous students and physically assault the ones they caught, punching and kicking them.
64. The field and the arena were in plain view of the schoolyards at Saint Patrick's and École Sacré-Coeur. Every day, school staff would be waiting for students in these schoolyards – they could see what was happening on the field but never intervened.
65. The Applicant had to run from these attackers every morning, and was terrified of getting beat up, which she saw happen to many other children from Kitigan Zibi.
66. On one occasion, she and her friend were running across the muddy field, and her friend's shoe got caught in the mud and came off her foot. The Applicant then saw students from Sacré-Coeur approaching them and screamed at her friend to leave the shoe so she wouldn't get caught.
67. On another occasion, while a group of Sacré-Coeur students were picking up clay from the field and throwing balls of it at the Applicant and her fellow students, one Sacré-Coeur student started putting balls of clay into the end of a broken fence pole and using it as a sling. He twirled the pole over his head and hurled a ball at the Applicant, striking her with force in the eye. This was very painful, and it took the Applicant many trips to the bathroom over several hours to wash the clay out of her eye.
68. After one or two years of these daily attacks, the bus eventually started dropping off students from Kitigan Zibi directly at Saint Patrick's.
69. The Applicant was also violently bullied on the school bus and in the school yard every day. A few older students from Kitigan Zibi would take turns slapping her in the face. The Applicant could see that the teacher supervising the school yard saw this happening, but she never intervened. One day, the Applicant decided to fight back and punched one of these girls – this made the teacher intervene, but she only reprimanded the Applicant, grabbing her by the shoulders and shaking her violently.
70. Because of all this abuse, the Applicant was so scared of going to school that she threw up on the school bus almost every morning.

71. The Applicant saw many other Indigenous students be emotionally and physically abused by non-Indigenous students at Saint-Patrick's – there were constant fights provoked by racist bullying. Several people from Kitigan Zibi told her they had eventually quit school because they were mocked for speaking Anishinaabe/Algonquin at Saint Patrick's, or other schools attended by Kitigan Zibi students.
72. The Applicant was also the victim of one of the cruel forms of medical violence described above, namely unnecessary pulling of teeth.
73. When she was 7 or 8 years old, a car came to school to take the Applicant and other Indigenous students to a dentist's office in Maniwaki. This dentist was hired by Canada, but Indigenous students' appointments were organized jointly with school staff.
74. Upon arriving at the dentist's office, the Applicant was put in a waiting room with other Indigenous students, who were called one by one to see the dentist.
75. The Applicant could hear children crying and screaming in pain from inside this office. Students would then exit the office holding a bloody cloth to their mouths.
76. When the Applicant was called into the dentist's office, he made her sit in the dentist's chair and pulled on one of her teeth with pliers until it came out, without giving her any anesthetic beforehand. The Applicant experienced extreme pain. She then left the dentist's office and the same car arrived to take her back to school. Terrified, the Applicant ran away from school as soon as she could.
77. The tooth the dentist pulled was a baby tooth but was nowhere near falling out. In fact, it was years before another tooth grew in its place.
78. When the Applicant returned home that evening and told her parents what had happened to her, they were shocked. They had no idea that her school had arranged for a visit to the dentist. The Applicant's mother called the school to complain, but on later occasions, the Applicant saw the same car come to Saint Patrick's and continued hearing about students from Kitigan Zibi having teeth pulled.
79. The Applicant was traumatized by the experience. She became terrified of going to the dentist and did not go again during her childhood and teenage years. When she was 19, she broke a tooth and waited for weeks before going to have it fixed. She then did not go to the dentist again for about another 15 years – she tried a few times but would start hyperventilating in the waiting room and could not calm down, so she would leave without seeing the dentist.

80. To this day, when the Applicant thinks back on the experience, she can feel the grinding sensation in her mouth when the dentist was pulling on her tooth.
81. Years later, when reminiscing with friends from Kitigan Zibi who were similarly abused, these friends told the Applicant that the dentist kept all the teeth he pulled in a glass jar on the counter of his office, in plain view of his patients. The Applicant cannot remember seeing this jar and believes she may have “blacked this out” due to trauma.
82. On many occasions, students from Kitigan Zibi were told in front of their classes that “all the Indians” had to go down to the cafeteria. Sometimes, nurses would administer painful scratches on their backs, which the Applicant was told were administered to test them for tuberculosis. The Applicant was so scared of these tests when she saw other students undergo them that she ran away from school before her turn.
83. Another time, they were told they would be given a treatment for lice: white powder was rubbed into their hair and remained visible for the rest of the school day. Many non-Indigenous students pointed and laughed at the Applicant and her classmates, which humiliated her. Her mother was again furious to learn about this treatment which she knew nothing about beforehand and that her daughter did not need.
84. On another occasion, students from Kitigan Zibi were taken to an empty classroom in groups of two or three and told they would undergo a medical examination. They were then told to undress down to their underwear. Pieces of paper had been put in the windows, but they did not block them entirely. The Applicant saw many non-Indigenous students peer in at them through the window, laughing.
85. The Applicant heard many teachers, staff and students at Saint Patrick’s make racist comments about Indigenous people. Teachers also frequently belittled Indigenous students: for example, the Applicant’s third-grade teacher never called her by her name, instead always calling her “Lady Jane” in a mocking tone.
86. She was also emotionally abused by a teacher who taught her for three consecutive years. The teacher knew that the Applicant struggled with math severely and yet would still constantly make her do math problems on the blackboard in front of the class, which made the Applicant cry many times. She could not understand why this teacher would humiliate her like this: she was known as the first Indigenous person from Kitigan Zibi to become a teacher in Maniwaki.

87. School curriculum at Saint Patrick's also belittled Indigenous people. Several history textbooks referred to them as "savages." On one occasion, her class visited a history museum in Ottawa and were taken to an exhibit displaying the skeletons of an Anishinaabe man and his child in an open grave. This belittlement shocked the Applicant and made her question her self-worth.
88. There were no Anishinaabe/Algonquin language classes at Saint Patrick's until the Applicant was in the fourth or fifth grade, and as of that point the class was a short period once a week.
89. The Applicant then went to Cité étudiante de la Haute-Gatineau (called the "Polyvalente" by students) for secondary school. The Polyvalente was also in Maniwaki and was operated by the Commission scolaire des Hautes-Laurentides.
90. The Applicant witnessed frequent racist comments by teachers, staff and students at the Polyvalente, and saw many Indigenous students being bullied or physically assaulted by non-Indigenous students.
91. In one of her classes, all the students from Kitigan Zibi sat together in the back. One day, the teacher walked up to them for no apparent reason, glaring, and said, "gang de sauvages!"
92. The Applicant angrily challenged him and was sent to the principal's office; when she refused to apologize to the teacher, the principal suspended her from school.
93. The Applicant's parents and many others complained and the teacher was eventually made to apologize to the students, but he remained at the school.
94. On another occasion, a group of three non-Indigenous girls followed her around a common area to her locker, whooping mockingly and calling her "sauvagesse." The Applicant confronted the three girls, who said they wanted to fight her. The Applicant went outside and fought one of the girls. The fight was eventually broken up and when the girls were taken to the principal's office, they were told they had to apologize to each other and shake hands. The Applicant refused and was suspended from school for three days.
95. Anishinaabe/Algonquin language classes were optional at the Polyvalente and students who took them received no credits towards their diploma; this discouraged many students from Kitigan Zibi from taking these classes.
96. When she looks back on her schooling experience, the Applicant feels like she and her Indigenous classmates were thrown to the wolves or used as guinea pigs in Canada's new integration policy.

97. She felt constant fear at school. She was angry at teachers and her parents for not protecting her. She felt constant self-doubt, and even self-hatred.
98. Over the years, she has overcome these feelings. Today she is well and proud of who she is. But she still wonders why the Defendants did not protect Kitigan Zibi's children.

G. Examples of Abuse and Discrimination Suffered by Other Class Members

i. Claudia Newashish

99. Claudia Newashish est membre de la communauté atikamekw de Manawan, située dans la région administrative de Lanaudière.
100. D'environ 1985 à 1989, Mme Newashish a fréquenté l'École secondaire Thérèse-Martin à Joliette, à environ 185 km de Manawan, opérée par le prédécesseur du Centre de services scolaire des Samares.
101. À cette époque, comme il n'y avait pas d'école secondaire à Manawan, les jeunes de la communauté étaient envoyés à Joliette pour fréquenter les écoles secondaires Thérèse-Martin, Barthélémy-Joliette ou Saint-Viateur.
102. La majorité des élèves de Manawan étaient placés dans des programmes professionnels à Barthélémy-Joliette.
103. Lors de sa fréquentation de l'École Thérèse-Martin, Mme Newashish a subi un climat d'intimidation et de racisme constants par les élèves allochtones envers les élèves autochtones, sans que les enseignants ou la direction n'interviennent pour faire cesser ces abus psychologiques.
104. Les élèves allochtones préféraient fréquemment des insultes racistes aux élèves atikamekw, comme « kawish ». L'intimidation était si forte que les élèves atikamekw ne pouvaient pas manger à la cafétéria avec les autres élèves. Ils devaient se réfugier dans le corridor ou à l'extérieur de l'école. Lorsqu'ils mangeaient à la cafétéria, les élèves allochtones renversaient leurs cabarets ou mettaient des choses dans leur nourriture.
105. Souvent, un groupe d'élèves allochtones attendait les élèves atikamekw dans la cour d'école pour les frapper avant qu'ils embarquent dans l'autobus scolaire. Les agressions physiques se poursuivaient aussi dans les autobus scolaires.
106. Les surveillants et les enseignants voyaient ces abus physiques et psychologiques, mais ils ne faisaient rien pour y mettre fin.

107. Une fois, pendant un cours de français, un élève a frappé si fort Mme Newashish à la tête avec son étui à crayons qu'elle a perdu connaissance et a dû se rendre à l'infirmerie. Le lendemain, l'enseignant de français a puni Mme Newashish en lui enlevant ses lunettes pour qu'elle ne voie pas le tableau, car il lui reprochait d'avoir frappé l'élève qui lui avait donné un coup d'étui.
108. Plusieurs fois, Mme Newashish a été punie parce qu'elle parlait atikamekw en classe. Les enseignants l'obligeaient à s'asseoir dans le corridor pendant toute la durée du cours. Elle manquait alors la matière et elle ne pouvait pas la reprendre. Quand elle était dans le corridor, elle voyait souvent d'autres élèves atikamekw punis pour la même raison.
109. Une fois, alors qu'elle était en punition dans le corridor, Mme Newashish et d'autres élèves atikamekw eux aussi en punition sont allées se cacher dans leur casier. Un surveillant a trouvé une élève dans son casier, mais plutôt que de l'emmener voir le directeur, il l'a emmenée dans les toilettes. Une autre élève a vu le surveillant agresser sexuellement l'élève dans les toilettes.
110. En raison de ce climat d'abus constants, Mme Newashish a abandonné l'école avant de compléter son secondaire, comme un très grand nombre de jeunes de Manawan.
111. Les traumatismes qu'elle a vécus lors de sa fréquentation de l'École Thérèse-Martin ont eu des conséquences psychologiques importantes et à long terme pour Mme Newashish, incluant un manque de confiance, des problèmes de consommation, ainsi que des difficultés dans ses relations interpersonnelles.

ii. A.B.

112. A.B. est membre de la communauté atikamekw de Wemotaci située dans la région de la Mauricie dans la province de Québec.
113. D'environ 1972 à 1978, A.B. a fréquenté les écoles secondaires Notre-Dame de Shawinigan et Polyvalente Val-Mauricie, situées à Shawinigan à environ 245 km de Wemotaci. Ces écoles étaient opérées par le prédécesseur du Centre de services scolaire de l'Énergie.
114. À cette époque, comme il n'y avait pas d'école secondaire à Wemotaci, les jeunes de la communauté étaient envoyés à Shawinigan ou à Roberval pour fréquenter l'école secondaire.
115. Contrairement à la majorité des élèves atikamekw de Wemotaci, qui étaient placés dans un « cheminement professionnel », A.B. a pu compléter son parcours secondaire dans un « cheminement régulier ».

116. Après sa fréquentation scolaire, vers [REDACTED] puis [REDACTED], A.B. a travaillé comme [REDACTED] pour les élèves de Wemotaci qui fréquentaient la Polyvalente Val-Mauricie, la Polyvalente des Chutes et l'École Sainte-Jeanne-d'Arc à Shawinigan.
117. Dans ce rôle, A.B. intervenait auprès des enseignants et de la direction des écoles lorsque des difficultés survenaient pour les élèves atikamekw de Wemotaci, tant sur le plan académique que disciplinaire.
118. En tant qu'[REDACTED] des élèves atikamekw lui ont rapporté des propos dégradants ou racistes tenus par des enseignants à leur égard, ainsi que des incidents d'intimidation commis par des élèves allochtones.
119. Lorsqu'A.B. était [REDACTED], les élèves atikamekw de Wemotaci qui fréquentaient les écoles secondaires de Shawinigan étaient systématiquement placés dans des classes de « présecondaire » et plusieurs étaient ensuite transférés vers le « cheminement professionnel ».
120. À leur arrivée à Shawinigan, les élèves de Wemotaci étaient automatiquement placés dans une classe de « présecondaire » qui regroupait exclusivement des élèves autochtones, sans aucune évaluation individuelle de leurs aptitudes. Il était ainsi tenu pour acquis, sans vérification, que les élèves de Wemotaci commençaient le secondaire avec un retard scolaire, ce qui était souvent inexact. Les élèves de Wemotaci n'intégraient directement le secondaire 1 que lorsqu'ils démontraient un potentiel marqué; A.B. devait alors faire des démarches supplémentaires afin de les intégrer dans des classes régulières.
121. Dès le secondaire 1 ou 2, la direction des écoles affectait automatiquement un nombre important d'élèves de Wemotaci au « cheminement professionnel ». A.B. est intervenue à quelques reprises pour retirer certains de ces élèves du « cheminement professionnel » et les réintégrer dans le « cheminement régulier ».

iii. C.D.

122. C.D. est membre de la communauté atikamekw de Manawan.
123. D'environ 1965 à 1970, C.D. a fréquenté l'École Saint-Georges, le Collège Notre-Dame et l'École Jean-Dequin, toutes situées à Roberval dans la région du Saguenay-Lac-Saint-Jean, à environ 500 km de Manawan. Ces écoles étaient opérées par le prédécesseur du Centre de services scolaire du Pays-des-Bleuets.
124. À cette époque, les jeunes de Manawan étaient envoyés dans le pensionnat de Pointe-Bleue où ils résidaient pendant leur fréquentation scolaire. Au primaire, les enfants résidant dans le pensionnat de Pointe-Bleue fréquentaient l'école située sur

la réserve (aujourd'hui Mashteuiatsh). Ensuite, à partir de la 6^e ou 7^e année, ils étaient envoyés dans les écoles de Roberval, à quelques kilomètres de Pointe-Bleue.

125. Contrairement à la majorité des élèves de Manawan qui étaient classés dans des classes de « rattrapage » ou d'« initiation au travail », C.D. a pu suivre les cours classiques lors de sa fréquentation des écoles de Roberval.
126. À cette époque, les élèves autochtones fréquentant le Collège Notre-Dame à Roberval dont les résultats étaient jugés insuffisants étaient automatiquement transférés vers les « écoles de métiers » de la ville d'Alma, située à environ 60km de Roberval.
127. C.D. a été exposé à des attitudes et propos discriminatoires récurrents de la part des enseignants, notamment d'un enseignant d'histoire qui qualifiait régulièrement les élèves atikamekw de « sauvages » ou de « mauvais Indiens ». C.D. se sentait constamment rabaissé et humilié devant l'ensemble des élèves, et chaque cours d'histoire est devenu extrêmement difficile à supporter.
128. Vers 1972, après son parcours scolaire, C.D. est devenu gérant de bande à Manawan. Lors de l'une des rencontres auxquelles il a assisté avec les autorités provinciales et fédérales pour la négociation des ententes sur les frais de scolarité, les gérants de bande des communautés atikamekw ont dénoncé le placement disproportionné des élèves autochtones dans les « programmes de métiers ».
129. Ces pratiques ont renforcé le sentiment d'injustice et d'exclusion ressenti par C.D.

iv. E.F.

130. E.F. est membre de la communauté innue de Pessamit située dans la région administrative de la Côte-Nord.
131. D'environ 1966 à 1972, E.F. a fréquenté l'École Sainte-Marie à Ragueneau et l'École secondaire de Hauterive, situées respectivement à environ 20km et 60km de Pessamit. Ces écoles étaient opérées par les prédécesseurs du Centre de services scolaire de l'Estuaire.
132. À cette époque, comme il n'y avait pas d'école secondaire à Pessamit, les jeunes de la communauté étaient envoyés à Ragueneau ou à Hauterive (aujourd'hui fusionnée avec Baie-Comeau) pour fréquenter l'école secondaire.
133. Tout au long de ses études à l'école Sainte-Marie de Ragueneau, E.F. a été exposée à un climat dévalorisant et discriminatoire, incluant notamment :

- a. une enseignante l'a humiliée en la forçant à coller sa gomme sur son nez devant toute la classe, provoquant les rires des élèves;
 - b. une autre élève innue s'est fracturé la jambe à son arrivée à l'école, mais a été obligée à rester assise en classe durant plusieurs heures, sans attention médicale, avant d'être conduite à l'hôpital;
 - c. des élèves allochtones ridiculisaient fréquemment E.F. en raison de son accent et de sa difficulté à s'exprimer en français, lui provoquant un malaise constant et nuisant à sa confiance et à sa réussite scolaire;
 - d. des élèves allochtones proféraient fréquemment aux élèves innus des insultes racistes telles que « sauvage » ou « sauvagesse », sans que les enseignants interviennent ou leur imposent des conséquences.
134. À l'école secondaire de Hauterive, E.F. a également fait face à des propos racistes. Elle ne s'y est jamais sentie à sa place, et avait l'impression que les élèves et les enseignants allochtones acceptaient les élèves innus par obligation.
135. E.F. a été profondément affectée par le climat discriminatoire subi lors de sa fréquentation des écoles à Ragueneau et à Hauterive. Elle ne s'est jamais sentie valorisée dans l'environnement scolaire, ce qui a affecté sa réussite scolaire et son estime personnelle. La peur de la moquerie et le sentiment de ne pas être à sa place l'ont suivi longtemps dans sa vie adulte.

H. The Liability of the Defendants

i. Canada

136. At all relevant times, the *Indian Act* obliged all children who were registered Indians and ordinarily resident on reserve or provincial Crown lands to attend the school designated by the Minister of Indian Affairs.
137. The *Indian Act* allowed the Minister to appoint truant officers - who had the powers of a peace officer - to compel school attendance.
138. If an Indigenous child did not attend school, their parents faced fines or imprisonment and, until 1973, withdrawal of family allowances payable by Canada to all parents of dependent children.
139. While joint school agreements granted control to Québec or the relevant school board over the administration of the school, including hiring and supervision of personnel, Canada retained important powers and obligations under these agreements:

- a. Canada had the power to inspect all joint schools to verify that joint school agreements were respected.
 - b. Canada negotiated the “special services” that would be delivered to the Indigenous children of each joint school.
 - c. For many years, Canada explicitly undertook to ensure that all Indigenous students “met standards of health and hygiene similar to non-Indigenous students.”
140. At all times during the class period, Canada breached its fiduciary obligation towards Survivor Class members. Canada decided unilaterally to implement its integration policy and decided unilaterally where Survivor Class members would attend school. Despite this assumption of responsibility for and control over Survivor Class members, Canada utterly failed to inspect joint schools to ensure that these class members were not subjected to abuse or discriminatory practices, and that their identity and culture were protected.
141. Canada also breached its obligation to act in accordance with the honour of the Crown towards class members, all holders of both individual and collective rights by virtue of their Indigenous identity. In implementing its new educational policy for the country’s Indigenous peoples, Canada did not meet its heightened duty to ensure that class members’ best interests were protected.
142. Canada failed to adequately consult Indigenous peoples while negotiating and implementing joint school agreements for the education of Indigenous children.
143. Canada’s agents also committed civil faults towards class members, and Canada is thus liable to make reparation for their injuries pursuant to art. 1054 of the *Civil Code of Lower Canada* and art. 1457 of the *Civil Code of Québec*. Canada’s obligation of prudence towards class members was high due to:
- a. Canada’s constitutional and public law powers over and obligations towards Indigenous peoples;
 - b. Canada’s knowledge of the widespread discrimination and abuse which had occurred previously under the educational system it either oversaw or administered without collaboration with provincial institutions, namely the residential and federal day school systems;
 - c. Canada’s powers and obligations under the joint school agreements.

144. It was eminently foreseeable to Canada that class members were at risk of discrimination and abuse at the hands of non-Indigenous teachers, staff and students. It was just as foreseeable to Canada that class members were at risk of unfair and inadequate treatment by an education system that had been developed for the non-Indigenous majority. Canada and its agents did not take necessary measures to prevent the occurrence of these risks which, as made clear above, materialized in catastrophic fashion.
145. Canada's agents also had direct responsibility for the health and sanitary practices undertaken towards class members pursuant to the joint school agreements. They committed civil faults towards class members by failing to adequately supervise these practices and to prevent the occurrence of the violent and humiliating practices described above.
146. Finally, as of its entry into force in 1976, Canada breached class members' rights to health, physical and emotional integrity, and protection of Indigenous identity and culture, as protected by arts. 1, 4, 5, 39, 41 and 43 of the *Charter of Human Rights and Freedoms*, CQLR c C-12.

ii. Québec

147. Québec's various agents committed civil faults which caused harm to class members.
148. At all relevant times during the class period, Québec had legal obligations regarding the education, well-being and safety of class members imposed, among other sources, by its supervisory powers concerning public education in the province. Until 1964, these powers were exercised by the Conseil de l'instruction publique (under the direction of the Lieutenant Governor in council), after which time they were held by the Minister of Education under successive legislation on public education.
149. These powers included, throughout the class period:
- a. the power to appoint school inspectors, tasked with visiting public schools and verifying compliance with laws and regulations.
 - b. the power to investigate school inspectors.
 - c. the power to conduct or order investigations on any matter concerning public education, including compliance with laws and regulations by any school board.
 - d. the power to investigate any complaint alleging misconduct by a schoolteacher, and to revoke any schoolteacher's certificate for misconduct.

- e. the power to suspend the powers or responsibilities of any school board during any investigation.
150. At least until June 30, 1989, joint school agreements concluded by school boards were concluded on behalf of the Government of Québec and thus required approval by both the Conseil exécutif du Québec and the Minister of Education.
151. Québec thus had the duty to supervise the content of these agreements and compliance with their terms, including the obligation to provide an adequate educational environment and the prohibition of racial discrimination.
152. Québec was also bound by the *Charter of Human Rights and Freedoms* which protected class members' rights to health, physical and emotional integrity, and protection of Indigenous identity and culture, as stated above.
153. Québec and its agents failed to take necessary precautions to protect class members from the harms alleged above. Precautions which Québec was under a legal obligation to take, but failed to, included:
- a. Ensuring that school boards were abiding by their obligations under joint school agreements;
 - b. Visiting and inspecting joint schools, including to verify the presence of abuse or discrimination;
 - c. Supervising the educational environment and the quality of the education delivered in these schools;
 - d. Investigating and sanctioning both school staff which had committed abuse or discrimination and/or school boards who failed to take necessary measures to eradicate these.
154. Québec's faults contributed to the abuse and discrimination suffered by class members, as described above – reasonable supervision and investigation, and respect of its statutory obligations with respect to education, would undoubtedly have prevented many of these harmful practices.
155. These faults also constituted violations of class members' rights under the *Charter of Human Rights and Freedoms*.

iii. The Centres de Services Scolaires and English-Language School Boards

156. As legal successors to the school boards who made joint school agreements and admitted Survivor Class members to these schools, the Centres de services scolaires and English-language school boards are liable to repair the injuries caused by the faults of the subordinates of these school boards pursuant to art. 1054 of the *Civil Code of Lower Canada* and art. 1463 of the *Civil Code of Québec*. These faults included both abuse and discriminatory acts committed by school staff, as well as the failure of this staff to prevent or act upon such acts when committed by students or other persons.
157. Many school staff members abused the position of power and authority over class members that was granted to them by these school boards.
158. The school boards also committed faults by failing to exercise reasonable precautions when hiring school staff, failing to adequately supervise this staff and failing to properly investigate, sanction and/or dismiss those who had committed abuse or discrimination.
159. At least until June 30, 1989, the school boards were under a statutory obligation to visit every joint school at least once every six months, to verify (among other things) the competence and character of teachers.
160. The severity, duration and widespread nature of the abuse and discrimination described above lead to an inference that persons in positions of authority at the school boards had knowledge of this abuse and discrimination but failed to act to make these cease.
161. These omissions also constituted violations of class members' rights pursuant to the *Charter of Human Rights and Freedoms*, as enumerated above.

iv. Injuries Suffered by Class Members

162. The abuse suffered by Survivor Class members had severe psychological consequences, some of which were permanent. These consequences include trauma; recurrent negative emotions; anxiety, depression, addiction and other mental illnesses; and loss of language, culture and/or self-esteem. Survivor Class members are entitled to damages in compensation for these non-pecuniary injuries.
163. Survivor Class members are also entitled to recover damages to compensate their pecuniary injuries, which include loss of income and/or employment opportunities as well as costs of psychological care.

164. Family Class members also suffered serious injuries because of the abuse inflicted on their loved ones, including emotional suffering and loss of support and guidance, as well as lost opportunities to access Indigenous culture and identity. As an illustration, the Applicant files as **Exhibit P-41** excerpts of Volume V of the final report of the Truth and Reconciliation Commission of Canada entitled *The Legacy*. Family Class members are also entitled to damages to compensate these non-pecuniary injuries.
165. The Defendants all contributed to these injuries by violations of extracontractual obligations and are thus solidarily liable to make reparation for them.

v. Punitive Damages

166. By failing to act once they had knowledge of the various forms of abuse and discrimination suffered by Survivor Class members in joint schools, the Defendants committed illicit and intentional violations of the provisions of the *Charter of Human Rights and Freedoms* listed above.
167. Survivor Class members are entitled to recover punitive damages to sanction these illicit and intentional violations.

V. CONDITIONS REQUIRED TO INSTITUTE A CLASS ACTION

168. The composition and size of the class – namely several thousand persons, located across the province of Québec – make it impracticable to apply the rules for mandates to take part in judicial proceedings on behalf of others or for consolidation of proceedings.
169. The claims of class members raise identical, similar or related questions of fact and law, namely:
- a. *Questions regarding Canada:*
- i. Did Canada have a legal duty - whether fiduciary, statutory, contractual or otherwise - to protect the health, welfare, identity and culture of Survivor Class members? If so, did Canada breach this duty?
 - ii. Did Canada commit faults in the supervision of the joint schools, or did Canada's subordinates commit faults in the context of the performance of their duties with respect to these schools?
 - iii. If the answer to either of the questions at point ii) is "yes", did these faults cause injuries to Survivor Class members?

- iv. Are there any factors which would reduce the liability of Canada, such as the liability of third parties?
- b. *Questions regarding Québec and the Centres de services scolaires and school boards:*
- i. Did subordinates of the predecessors of the Defendant Centres de services scolaires and school boards physically, psychologically or sexually abuse Survivor Class members?
 - ii. If the answer to question i) is “yes”, did Québec or the predecessors of the Centres de services scolaires and school boards act diligently to prevent and stop the psychological, physical and sexual abuse committed by these subordinates?
 - iii. Did Québec or the predecessors of the Centres de services scolaires and school boards breach their legal obligations to Survivor Class members while establishing, supervising or administering the joint schools?
 - iv. Did Québec or the predecessors of the Centres de services scolaires and school boards have an obligation, under the *Charter of Human Rights and Freedoms* or otherwise, to protect or preserve the health, welfare, identity or culture of Survivor Class members? If so, did they fulfil that obligation?
 - v. Are Québec or the Centres de services scolaires and school boards liable as principals or in any other capacity for abuses committed by their subordinates (or those of their predecessors) or other persons whom they (or their predecessors) allowed to supervise Survivor Class members?
- c. *Questions regarding all Defendants:*
- i. Did the joint schools established, supervised and administered by the Defendants cause harm to class members?
 - ii. What is the amount of compensatory damages to which class members are entitled as compensation for the injury common to all (“common experience damages”)?
 - iii. Is the Defendants’ liability to pay compensatory damages solidary? If so, how should liability be apportioned among the Defendants?
 - iv. Did the Defendants or their agents unlawfully and intentionally breach the rights of class members protected by the *Charter of Human Rights and*

Freedoms? If so, what is the amount of punitive damages that the Defendants should be ordered to pay to each class member?

170. The questions of fact and law specific to each class member are the following:

- i. Other than the injuries compensated by “common experience damages” recovered collectively, what other injuries to class members were caused by the Defendants?
- ii. What is the amount of compensatory damages to which each class member is entitled, based on the nature of the abuse, the consequences suffered and the parameters established by the Court?

VI. CONCLUSIONS SOUGHT

171. The conclusions sought by the Applicant are the following:

GRANT the Plaintiff’s class action, on behalf of all class members;

ORDER the Defendants solidarily to pay each Survivor Class member the sum of \$20,000 in non-pecuniary “common experience” damages, subject to adjustment, plus interest at the statutory rate and the additional indemnity provided for at art. 1619 of the *Civil Code of Québec*, since service of the application for authorization to institute a class action;

ORDER the Defendants solidarily to pay each Family Class member the sum of \$10,000 in non-pecuniary “common experience” damages, subject to adjustment, plus interest at the statutory rate and the additional indemnity provided for at art. 1619 of the *Civil Code of Québec*, since service of the application for authorization to institute a class action;

ORDER collective recovery of these “common experience” damages;

ORDER the Defendants solidarily to pay class members an amount to compensate additional non-pecuniary damages, as well as pecuniary damages, the amount of which shall be determined by individual recovery, plus interest at the statutory rate and the additional indemnity provided for at art. 1619 of the *Civil Code of Québec*, since service of the application for authorization to institute a class action;

ORDER the Defendants to pay class members the sum of \$20,000 in punitive damages, subject to adjustment;

ORDER collective recovery of punitive damages;

RENDER any other order that the Court deems appropriate to safeguard the rights of the parties;

ORDER the Defendants solidarily to pay legal costs, including the costs of notices, claims administration and expert opinions.

VII. THE APPLICANT'S APPOINTMENT AS CLASS REPRESENTATIVE

172. The Applicant wishes to bring this class action to obtain recognition and reparation of the harms suffered by the thousands of Indigenous children who were subjected to the integration policy in Québec.
173. The Applicant first led an initiative to bring a class action on behalf of the survivors of this policy in her community of Kitigan Zibi. In this context, she spoke with dozens of other class members and helped to organize several public assemblies.
174. After discussions with the undersigned counsel, the Applicant agreed to broaden the scope of her initiative and to lead a class action on behalf of all the Québec survivors of this policy, as well as their families.

VIII. JUDICIAL DISTRICT

175. The Applicant requests that the proposed class action be heard in the Montreal district, which is an appropriate forum for the adjudication of this province-wide matter and is where the offices of the undersigned counsel are located.

FOR THESE REASONS, MAY IT PLEASE THE COURT:

GRANT the application;

AUTHORIZE the Applicant to bring a class action to recover compensatory and punitive damages based on the common law, the *Civil Code of Lower Canada*, the *Civil Code of Québec* and the *Charter of Human Rights and Freedoms*.

APPOINT the Applicant as representative of the persons included in following classes:

- a. Survivor Class:

All persons subject to the Indian Act who attended a public school in the province of Québec, between 1951 and 2014, pursuant to one or more agreements relative to the education of Indian children made by the Government of Canada with the Government of Québec and/or a school board of the province of Québec.

For greater certainty, this class excludes all persons who attended a school administered exclusively by a band council as defined in the Indian Act, or attended a school pursuant to one or more agreements made by such a band council with only the Government of Québec and/or a school board.

All persons who are a member of the class action styled Jonah and Jérôme v. Attorney General of Canada et al. (Québec Superior Court no. 500-06-000999-199) are also excluded from the class.

b. Family Class:

Any spouse or civil union partner, sibling and direct descendant in the first or second degree of a member of the “Survivor Class,” as well as any spouse or civil union partner of any sibling or direct descendant in the first or second degree of such a person.

All persons who are a member of the class action styled Jonah and Jérôme v. Attorney General of Canada et al. (Québec Superior Court no. 500-06-000999-199) are also excluded from the class.

IDENTIFY the principal questions of fact and law to be treated collectively as the following:

a. *Questions regarding Canada:*

- v. Did Canada have a legal duty - whether fiduciary, statutory, contractual or otherwise - to protect the health, welfare, identity and culture of Survivor Class members? If so, did Canada breach this duty?
- vi. Did Canada commit faults in the supervision of the joint schools, or did Canada’s subordinates commit faults in the context of the performance of their duties with respect to these schools?
- vii. If the answer to either of the questions at point ii) is “yes”, did these faults cause injuries to Survivor Class members?
- viii. Are there any factors which would reduce the liability of Canada, such as the liability of third parties?

b. *Questions regarding Québec and the Centres de services scolaires and school boards:*

- vi. Did subordinates of the predecessors of the Defendant Centres de services scolaires and school boards physically, psychologically or sexually abuse Survivor Class members?
- vii. If the answer to question i) is “yes”, did Québec or the predecessors of the Centres de services scolaires and school boards act diligently to prevent and stop the psychological, physical and sexual abuse committed by these subordinates?
- viii. Did Québec or the predecessors of the Centres de services scolaires and school boards breach their legal obligations to Survivor Class members while establishing, supervising or administering the joint schools?
- ix. Did Québec or the predecessors of the Centres de services scolaires and school boards have an obligation, under the *Charter of Human Rights and Freedoms* or otherwise, to protect or preserve the health, welfare, identity or culture of Survivor Class members? If so, did they fulfil that obligation?
- x. Are Québec or the Centres de services scolaires and school boards liable as principals or in any other capacity for abuses committed by their subordinates (or those of their predecessors) or other persons whom they (or their predecessors) allowed to supervise Survivor Class members?

c. *Questions regarding all Defendants:*

- v. Did the joint schools established, supervised and administered by the Defendants cause harm to class members?
- vi. What is the amount of compensatory damages to which class members are entitled as compensation for the injury common to all (“common experience damages”)?
- vii. Is the Defendants’ liability to pay compensatory damages solidary? If so, how should liability be apportioned among the Defendants?
- viii. Did the Defendants or their agents unlawfully and intentionally breach the rights of class members protected by the *Charter of Human Rights and Freedoms*? If so, what is the amount of punitive damages that the Defendants should be ordered to pay to each class member?

IDENTIFY the conclusions sought by the class action to be instituted as being the following:

GRANT the Plaintiff's class action, on behalf of all class members;

ORDER the Defendants solidarily to pay each Survivor Class member the sum of \$20,000 in non-pecuniary "common experience" damages, subject to adjustment, plus interest at the statutory rate and the additional indemnity provided for at art. 1619 of the *Civil Code of Québec*, since service of the application for authorization to institute a class action;

ORDER the Defendants solidarily to pay each Family Class member the sum of \$10,000 in non-pecuniary "common experience" damages, subject to adjustment, plus interest at the statutory rate and the additional indemnity provided for at art. 1619 of the *Civil Code of Québec*, since service of the application for authorization to institute a class action;

ORDER collective recovery of these "common experience" damages;

ORDER the Defendants solidarily to pay class members an amount to compensate additional non-pecuniary damages, as well as pecuniary damages, the amount of which shall be determined by individual recovery, plus interest at the statutory rate and the additional indemnity provided for at art. 1619 of the *Civil Code of Québec*, since service of the application for authorization to institute a class action;

ORDER the Defendants to pay class members the sum of \$20,000 in punitive damages, subject to adjustment;

ORDER collective recovery of punitive damages;

RENDER any other order that the Court deems appropriate to safeguard the rights of the parties;

ORDER the Defendants solidarily to pay legal costs, including the costs of notices, claims administration and expert opinions.

SET the deadline for opting out of the class action at 30 days from the date of the publication of the notice to class members;

DECLARE that all class members that have not opted out of the class action in the prescribed time period will be bound by any judgment to be rendered on the class action;

ORDER the publication of a notice to class members in accordance with article 579 of the *Code of Civil Procedure*, pursuant to a further order of the Court;

THE WHOLE with costs of publication of notices.

MONTRÉAL, February 2, 2026



Dionne Schulze
Attorneys for Applicant

Mtre David Schulze

dschulze@dionneschulze.ca

Mtre Léa Lemay Langlois

llemaylanglois@dionneschulze.ca

Mtre Adrienne Tessier

atessier@dionneschulze.ca

507, Place d'Armes, suite 502

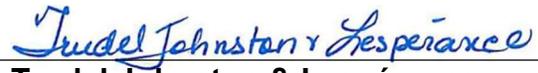
Montreal (Quebec) H2Y 2W8

Tel.: (514) 842-0748

Fax: (514) 842-9983

Our file: 5100-017

MONTRÉAL, February 2, 2026



Trudel Johnston & Lespérance
Attorneys for Applicant

Mtre Jean-Marc Lacourcière

jean-marc@tjl.quebec

Mtre Jessica Lelièvre

jessica@tjl.quebec

750 Côte de la Place d'Armes, suite 90

Montreal (Quebec) H2Y 2X8

Tel.: (514) 871-8385

Fax: (514) 871-8800

Our file: 1440-2

SUMMONS
(Art. 145 ss. C.C.P.)

Filing of a judicial application

Take notice that the Plaintiff has filed this originating application in the office of the Superior Court in the judicial district of Montréal.

Defendant's answer

You must answer the application in writing, personally or through a lawyer, at the courthouse of Montréal, situated at 1, Notre-Dame Street East, H2Y 1B6 within 15 days of service of this application or, if you have no domicile, residence or establishment in Québec, within 30 days. The answer must be notified to the Plaintiff's lawyer or, if the Plaintiff is not represented, to the Plaintiff.

Failure to answer

If you fail to answer within the time limit of 15 or 30 days, as applicable, a default judgment may be rendered against you without further notice and you may, according to the circumstances, be required to pay the legal costs.

Content of answer

In your answer, you must state your intention to:

- Negotiate a settlement;
- Propose mediation to resolve the dispute;
- defend the application according to the rules set out in Title I.1 of Book VI of the Code of Civil Procedure (articles 535.1 to 535.15), in particular, by filing with the court office a brief outline of your arguments within 95 days after service of this summons; or;
- Propose a settlement conference.

The answer to the summons must include your contact information and, if you are represented by a lawyer, the lawyer's name and contact information.

Where to file the judicial application

Unless otherwise provided, the judicial application is heard in the judicial district where your domicile is located, or failing that, where your residence or the domicile you elected or agreed to with Plaintiff is located. If it was not filed in the district where it can be heard and you want it to be transferred there, you may file an application to that effect with the court.

However, if the application pertains to an employment, consumer or insurance contract or to the exercise of a hypothecary right on the immovable serving as your main residence,

it is heard in the district where the employee's, consumer's or insured's domicile or residence is located, whether that person is the Plaintiff or the Defendant, in the district where the immovable is located or, in the case of property insurance, in the district where the loss occurred. If it was not filed in the district where it can be heard and you want it to be transferred there, you may file an application to that effect with the special clerk of that district and no contrary agreement may be urged against you.

Transfer of the application to the Small Claims Division

If you qualify to act as a Plaintiff under the rules governing the recovery of small claims, you may contact the clerk of the court to request that the application be processed according to those rules. If you make this request, the Plaintiff's legal costs will not exceed those prescribed for the recovery of small claims.

Convening a case management conference

Within 20 days after the case protocol mentioned above is filed, the court may call you to a case management conference to ensure the orderly progress of the proceeding. Failing that, the protocol is presumed to be accepted.

Exhibits supporting the application

In support of the originating application, the Plaintiff intends to submit the exhibits enumerated in the attached *List of Exhibits*. These exhibits are available upon request.

Application accompanied by a notice of presentation

Applications filed in the course of a proceeding and applications under Book III or V of the Code of Civil Procedure—excluding applications pertaining to family matters under article 409 and applications pertaining to securities under article 480—as well as certain applications under Book VI of the Code of Civil Procedure, including applications for judicial review, must be accompanied by a notice of presentation, not by a summons. In such circumstances, the establishment of a case protocol is not required.

MONTRÉAL, February 2, 2026



Dionne Schulze
Attorneys for Applicant

Mtre David Schulze

dschulze@dionneschulze.ca

Mtre Léa Lemay Langlois

llemaylanglois@dionneschulze.ca

Mtre Adrienne Tessier

atessier@dionneschulze.ca

507, Place d'Armes, suite 502

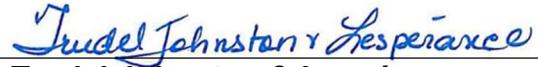
Montreal (Quebec) H2Y 2W8

Tel.: (514) 842-0748

Fax: (514) 842-9983

Our file: 5100-017

MONTRÉAL, February 2, 2026



Trudel Johnston & Lespérance
Attorneys for Applicant

Mtre Jean-Marc Lacourcière

jean-marc@tjl.quebec

Mtre Jessica Lelièvre

jessica@tjl.quebec

750 Côte de la Place d'Armes, suite 90

Montreal (Quebec) H2Y 2X8

Tel.: (514) 871-8385

Fax: (514) 871-8800

Our file: 1440-2

CANADA

(Class Actions)
SUPERIOR COURT

PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

DARHLENE TWENISH

N°: 500-06-000006-268

Applicant

v.

ATTORNEY GENERAL OF CANADA et al.

Defendants

LIST OF EXHIBITS

- Exhibit P-1** Fourth Report of the Special Joint Committee of the Senate and the House of Commons on Indian Affairs, dated June 22, 1948.
- Exhibit P-2** Excerpts from the Indian Affairs' Branch 1957 *Field Manual* for Indian Agents
- Exhibit P-3** Department of Citizenship and Immigration, Order in Council C.P. 1963-5/382
- Exhibit P-4** Report published by the Indian Affairs Branch, titled *A Survey of the Contemporary Indians of Canada: Economic, Political, Educational Needs and Policies*, dated October 1967 (the "Hawthorn Report")
- Exhibit P-5** Memorandum to regional superintendents of education by the director of the Education Branch of the Department of Indian Affairs and Northern Development, dated May 16, 1972
- Exhibit P-6** Reasons for approval of the settlement of the *McLean v. Canada* (Federal Court no. T-2169-16) class action, dated August 19, 2019 (*McLean v. Canada*, 2019 FC 1075)
- Exhibit P-7** Affidavit of Dr. Betsey Baldwin of Public History Inc. dated April 23, 2019, filed in *McLean v. Canada* (Federal Court no. T-2169-16), with schedules including the expert report titled *Canada's Policy for Federal Day Schools, 1920 to 1996*
- Exhibit P-8** Document prepared by the Indian Affairs Branch titled "Éducation – Région du Québec – Inscription des élèves 1970-1971"

- Exhibit P-9** Document prepared by the Indian Affairs Branch titled “Éducation – Statistiques 1973-74 – Inscription des élèves dans les écoles élémentaires et secondaires”
- Exhibit P-10** Document obtained from the Attorney General of Québec titled “Clientèle scolaire autochtone”
- Exhibit P-11** Document obtained from the Attorney General of Québec titled “Données sur les effectifs scolaires autochtones pour 1991-1992 (...)”
- Exhibit P-12** Document obtained from the Attorney General of Québec titled “Direction de la gestion des systèmes de collecte – Élèves autochtones”
- Exhibit P-13** Document obtained from the Attorney General of Québec titled “Élèves autochtones sous entente de scolarisation selon la commission scolaire et l’établissement – DCS 2005-2006”
- Exhibit P-14** Report titled *Rapport de recherche sur la situation pédagogique des enfants amérindiens fréquentant les écoles francophones élémentaires sous l’autorité des commissions scolaires du Québec*, prepared by Jean Hénaire in March 1976 for the *Ministère de l’Éducation du Québec*
- Exhibit P-15** Report titled *Études et documents : L’univers scolaire des Montagnais*, prepared by Jean Hénaire in September 1976 for the *Ministère de l’Éducation du Québec*
- Exhibit P-16** Report titled *La scolarisation des Amérindiens : échec et oppression*, prepared by Jean Hénaire et al. in June 1979 for the *Ministère de l’Éducation du Québec*
- Exhibit P-17** Report titled *Situation de l’Amérindien en milieu scolaire québécois: Pour une égalité des chances*, prepared by Jean-Luc Falardeau et al. in May 1981 for the *Ministère de l’Éducation du Québec*
- Exhibit P-18** Report titled *Étude descriptive : Données statistiques se rapportant à l’absentéisme et aux résultats scolaires des enfants montagnais de l’École Notre-Dame de Schefferville (Section primaire)*, prepared by Denyse Roussel in August 1981 for the *Ministère de l’Éducation du Québec*
- Exhibit P-19** Study titled *Document d’information: Données recueillies par le M.E.Q. auprès des commissions scolaires relatives aux services offerts aux élèves amérindiens pour l’année 1979-80*
- Exhibit P-20** Study titled *École primaire Notre-Dame, Schefferville, Rapport du sondage effectué auprès du personnel enseignant de l’école*

- Exhibit P-21** Corrected authorization judgment in *Jonah et al. v. Canada et al.* (Superior Court no. 500-06-000999-199), rendered on December 8, 2023 (*J.J. c. Procureur général du Québec*, 2023 QCCS 4653)
- Exhibit P-22** Tuition fee agreement between Canada and the Commission scolaire de Val-d'Or, dated September 2, 1975
- Exhibit P-23** Tuition fee agreement between Canada and the Commission scolaire de Val-d'Or, dated February 7, 1978
- Exhibit P-24** Tuition fee agreement between Canada and the Commission scolaire de Val-d'Or, dated September 2, 1981
- Exhibit P-25** Tuition fee agreement between Canada and the Commission scolaire de Val-d'Or, dated July 9, 1982
- Exhibit P-26** Tuition fee agreement between Canada and the Commission scolaire de Val-d'Or, dated August 29, 1983
- Exhibit P-27** Tuition fee agreement between Canada and the Commission scolaire de Val-d'Or, dated July 1, 1985
- Exhibit P-28** Tuition fee agreement between Canada and the Commission scolaire de Val-d'Or, dated February 9, 1990
- Exhibit P-29** Proposed agreement for student placements between Canada and the Commission scolaire de Val-d'Or, dated July 22, 1975
- Exhibit P-30** Capital cost agreement between Canada and the Commission scolaire de Val-d'Or, dated September 2, 1975
- Exhibit P-31** Occupation permit granted by Indian Affairs to the Commission scolaire de Val-d'Or, dated October 29, 1975
- Exhibit P-32** Agreement on transfer of responsibility of a school between Canada and the Commission scolaire de Schefferville, dated June 2, 1970
- Exhibit P-33** Capital cost agreement between Canada and the Commission scolaire de Schefferville, dated 1975
- Exhibit P-34** Amendment to the capital cost agreement between Canada and the Commission scolaire de Schefferville, dated 1976
- Exhibit P-35** Tuition fee agreement between Canada and the Commission scolaire de Schefferville, dated November 6, 1975
- Exhibit P-36** Tuition fee agreement between Canada and the Commission scolaire de Schefferville, dated September 1, 1977

- Exhibit P-37** Tuition fee agreement between Canada and the Commission scolaire de Schefferville, dated November 27, 1980
- Exhibit P-38** Tuition fee agreement between Canada and the Commission scolaire de Schefferville, dated December 2, 1981
- Exhibit P-39** Tuition fee agreement between Canada and the Commission scolaire de Schefferville, dated November 30, 1982
- Exhibit P-40** Judgment on an application to modify the class description in *Jonah et al. v. Canada et al.* (Superior Court no. 500-06-000999-199), rendered on September 5, 2025 (*Jonah c. Procureur général du Québec*, 2025 QCCS 3179)
- Exhibit P-41** Excerpts of Volume V of the final report of the Truth and Reconciliation Commission of Canada, titled *The Legacy*

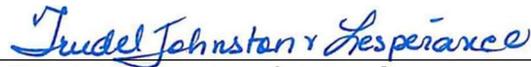
MONTRÉAL, February 2, 2026



Dionne Schulze
Attorneys for Applicant

Mtre David Schulze
dschulze@dionneschulze.ca
Mtre Léa Lemay Langlois
llemaylanglois@dionneschulze.ca
Mtre Adrienne Tessier
atessier@dionneschulze.ca
507, Place d'Armes, suite 502
Montreal (Quebec) H2Y 2W8
Tel.: (514) 842-0748
Fax: (514) 842-9983
Our file: 5100-017

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Trudel Johnston & Lespérance
Attorneys for Applicant

Mtre Jean-Marc Lacourcière
jean-marc@tjl.quebec
Mtre Jessica Lelièvre
jessica@tjl.quebec
750 Côte de la Place d'Armes, suite 90
Montreal (Quebec) H2Y 2X8
Tel.: (514) 871-8385
Fax: (514) 871-8800
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NOTICE OF PRESENTATION

TAKE NOTICE that the present *Application for Authorization to Institute a Class Action and to Obtain the Status of Representative*, dated February 2, 2026, will be presented at the Superior Court at the Courthouse of Montréal, located at 1, Notre-Dame Street East, H2Y 1B6, at a date and time to be determined by the Coordinating Judge for the Class Action Division.

DO GOVERN YOURSELVES ACCORDINGLY.

MONTRÉAL, February 2, 2026



Dionne Schulze
Attorneys for Applicant

Mtre David Schulze

dschulze@dionneschulze.ca

Mtre Léa Lemay Langlois

llemaylanglois@dionneschulze.ca

Mtre Adrienne Tessier

atessier@dionneschulze.ca

507, Place d'Armes, suite 502

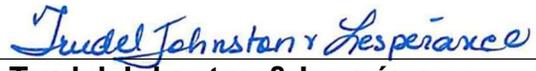
Montreal (Quebec) H2Y 2W8

Tel.: (514) 842-0748

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Trudel Johnston & Lespérance
Attorneys for Applicant

Mtre Jean-Marc Lacourcière

jean-marc@tjl.quebec

Mtre Jessica Lelièvre

jessica@tjl.quebec

750 Côte de la Place d'Armes, suite 90

Montreal (Quebec) H2Y 2X8

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ORIGINAL

TRUDEL JOHNSTON & LESPÉRANCE

Me Jean-Marc Lacourcière

Me Jessica Lelièvre

750 Côte de la Place d'Armes, suite 90

Montreal (Quebec) H2Y 2X8

Tel.: 514 871-8385

Fax: 514 871-8800

jean-marc@tjl.quebec

jessica@tjl.quebec

Attorneys for Applicant

Our file: 1440-2

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