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CANADA

SUPERIOR COURT

Class Actions Division

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

No. : 500-06-001160-213

RAVEN GORDON-KAWAPIT, residing
and domiciled at 1119 Hillside Crescent, in
the city of Kenora, province of Ontario,
P9N 2Y1

Plaintiff

vs.

ATTORNEY GENERAL OF QUÉBEC, in
his quality of representative of the
Department of Justice and of the
Department of Labour, Employment, and
Social Solidarity, having a place of
business at 1 Notre-Dame street East
(suite 8.00), in the city of Montréal (judicial
district of Montréal), province of Québec,
H2Y 1B6

Respondent

**APPLICATION FOR AUTHORIZATION TO INTRODUCE A CLASS
ACTION AND TO BE APPOINTED AS REPRESENTATIVE PLAINTIFF
(Section 575 C.c.p.)**

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TO ONE OF THE HONORABLE JUSTICES OF THE SUPERIOR COURT SITTING WITHIN THE JUDICIAL DISTRICT OF MONTRÉAL, THE PLAINTIFF HEREBY SUBMITS THE FOLLOWING:

1. Recitals

1. This application pertains to the systemic discrimination Inuit¹ residing in the province of Québec must face whenever they request access to public services.
2. Thousands of Quebecers fall prey to crimes against the person each year.
3. Victims can usually rely on a publicly administered compensation scheme in order to recover from the physical and psychological impact of such crimes (hereinafter, the « **Compensation Scheme** »).
4. The Compensation Scheme is based upon the premise that (i) crimes cannot be avoided in a society, and (ii) their consequences must be borne by each and every citizen – just as in the case of road traffic and work-related accidents.

¹ In the inuktitut language, the word *Inuit* means “mankind” or “human beings”. It is the plural form of the word *Inuk*. Its corresponding adjective, *Inuit*, is constant and invariable.

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5. The government of Québec (hereinafter, the « **Respondent** ») has the legal obligation to ensure that all victims of criminal acts can access (and benefit from) the Compensation Scheme in a fair and timely manner, anywhere in the province.
6. Since the Compensation Scheme was established in 1972, the Respondent paid more or less 2.2 billion dollars in indemnities, of which 152 million dollars were paid in 2020 alone.
7. Despite the relative success and popularity of the Compensation Scheme throughout the province, victims who reside within Inuit communities of Nunavik² (hereinafter, the « **Victims from Nunavik** ») are systematically and unfairly deprived of its benefits.
8. On the other hand, Nunavik happens to be the area of Québec where crimes are perpetrated most frequently. In fact, nearly 5000 crimes against the person are committed each year among a population of more or less 12 000 people.
9. Contrary to what is customary anywhere else in the province of Québec, Victims from Nunavik are practically never supported by the Respondent and their representatives.
10. Literally left behind, Victims from Nunavik are statistically *forty (40) times less likely* to be financially compensated than those who reside elsewhere in the province of Québec³.
11. Although they are perfectly aware of this unfair and discriminatory situation, the Respondent does nothing to rectify it.
12. By ignoring the plight of Victims from Nunavik, the Respondent knowingly perpetuates the systemic discrimination that afflicts all Inuit living in Québec.
13. As such serious and wilful misconduct on the part of the Respondent undermines the fundamental rights of Victims from Nunavik to safety, dignity, and equality, it must be penalised by means of compensatory and punitive damages.

2. Parties

i. Class members

14. Ms. Raven Gordon-Kawapit (hereinafter, the « **Plaintiff** ») wishes to introduce a class action on behalf of the individuals who are members of the group described as follows (of which she is herself a member) (hereinafter, the « **Class** »):

² Nunavik is an Inuit territory (located north of the 55th parallel) which covers nearly a third of the province of Québec. Inuit residents account for more or less 90% of the population of Nunavik.

³ Such statistics are based on data published by the Department of Public Safety, the *Direction de l'Indemnisation des Victimes d'Actes Criminels*, and the Kativik Regional Police Force. Relevant reports are disclosed in support of this application.

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Any and all individuals who, although they were the direct or indirect victim of a crime against the person perpetrated within Nunavik territory, were denied support by the government and its representatives according to the public Compensation Scheme established under the *Crime Victims Compensation Act*.

Are specifically excluded from the definition given above any and all individuals who, although they were the victim of one or more criminal acts, did not report any of those criminal acts to the public authorities.

ii. Respondent

15. The Respondent is being sued in its quality of representative of the Department of Justice of Québec (hereinafter, the « **DJQ** ») and of the Department of Labour, Employment, and Social Solidarity (hereinafter, the « **DLESS** »).
16. The DJQ is responsible for the implementation of the *Crime Victims Compensation Act* (hereinafter, the « **CVCA** ») and of the *Act Respecting Assistance for Victims of Crime* (hereinafter, the « **AAVC** »).
17. The DLESS, for its part, is in charge of the *Direction de l'indemnisation des victimes d'actes criminels* (hereinafter, « **IVAC** »), who is responsible for the management of the Compensation Scheme.

3. Compensation Scheme

i. The *Crime Victims Compensation Act* (CVCA)

18. The Compensation Scheme was introduced in 1972, at the time the CVCA was adopted.
19. The Compensation Scheme is based upon the premise that (i) crimes cannot be avoided in a society, and (ii) their consequences must be borne by each and every citizen – just as in the case of road traffic and work-related accidents.
20. Contrary to civil proceedings, which often prove complex and costly, access to the Compensation Scheme is quick, discrete, free of charge, and devoid of any risk of bankruptcy.
21. In order to benefit from the Compensation Scheme, eligible victims only have to submit an application to IVAC by means of standard forms.

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22. An application for compensation must be submitted within two (2) years of the harm caused to the victim, failing which the latter will be presumed to have waived their right to benefit from the Compensation Scheme⁴.
23. The Compensation Scheme is managed by IVAC, who is accountable to the DJQ.
24. Since it is responsible for the implementation of the CVCA, the DJQ must ensure that all victims of criminal acts can access (and benefit from) the Compensation Scheme in a fair and timely manner, anywhere in the province of Québec.

ii. **The Act Respecting Assistance for Victims of Crime (AAVC)**

25. The AAVC was adopted in 1988 in order to supplement the support provided to the victims of criminal acts.
26. The Act was the result of an extensive reflection prompted by the *Declaration of basic principles of justice for victims of crime and abuse of power* published by the United Nations in 1985.
27. The Act is based upon the premise that victims of criminal acts must be treated with courtesy, fairness, empathy, dignity, and due consideration for their privacy⁵.
28. When it comes to financial compensation, the AAVC states that victims are entitled to *prompt and fair restitution or compensation for the damage they have suffered*⁶.
29. The Act also provides that a victim has the right to be informed, as fully as possible, (i) of the rights and remedies available to them⁷, and (ii) of the availability of health services, social services, or other appropriate assistance or prevention services through which he may obtain such medical, psychological, and social care or help they may require⁸.
30. The DJQ is responsible for the implementation of the AAVC.

iii. **The Crime Victims Assistance Bureau (CVAB)**

31. The DJQ created the *Crime Victims Assistance Bureau* (hereinafter, the « **CVAB** »), who is entirely dedicated to the design, implementation, and maintenance of services provided to the victims of criminal acts⁹.

⁴ Such presumption of waiver can be rebutted, particularly when the victim demonstrates that they were radically unable to act sooner. (Please refer to section 11 of the AAVC.)

⁵ AAVC, section 2

⁶ Id., section 3(1)1°.

⁷ Id., section 4(1)1°.

⁸ Id., section 4(1)3°.

⁹ Id., section 8.

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32. The CVAB employs more or less ten (10) public officials whose mission is to advise the DJQ on all matters relating to victims assistance¹⁰.
33. Part of the Bureau's assignment consists in promoting victims rights, ensuring the development and implementation of victims assistance programs, and coordinating the actions and initiatives of individuals, ministries, and agencies involved in the provision of services¹¹.
34. The Bureau must also design and broadcast information, awareness, and training programs focused on the rights and needs of victims, as well as on the services they have access to¹².
35. Last but not least, the CVAB must ensure the creation and maintenance of crime victims assistance centres (CVAC), and, for that purpose, must involve social groups and agencies in the establishment of such centres while providing the latter with the technical and/or professional support they need¹³.

iv. Crime Victims Assistance Centres (CVAC)

36. Crime Victims Assistance Centres (hereinafter, « **CVAC** ») are non-profit organizations financed by the DJQ who provide first-line response to victims of criminal acts.
37. The CVAC network currently includes 185 service outlets spread across the province of Québec – including one located in Nunavik territory.
38. CVACs operate in close collaboration with the DJQ and the police in order to identify and assist crime victims in a timely fashion.
39. Workers employed by CVACs are trained in the rehabilitation of victims and the assessment of their needs.
40. CVACs frequently collaborate with IVAC so victims of criminal acts are provided timely access to the Compensation Scheme.
41. In 2017 and 2018, IVAC visited all the CVACs operating in Québec and trained their workers in how to fill out compensation applications with victims.
42. The CVAC located in Nunavik territory is the only CVAC in Québec that was not offered such training by IVAC, as evidenced by an e-mail sent by the DJQ to the *Public Inquiry Commission on relations between Indigenous People and certain public services in Québec* (hereinafter, the « **Viens Commission** ») on August 13, 2018 (filed in support hereto as **Exhibit P-1**).

¹⁰ Id., section 9(1)2°.

¹¹ Id., section 9(1)1°.

¹² Id., section 9(1)4°.

¹³ Id., section 9(1)3°.

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4. Enforcement of the Compensation Scheme

i. The principle : fair access

43. 80 000 crimes against the person are reported each year in the province of Québec, as evidenced by the reports on criminal activity issued by the Department of Public Safety from 2013 to 2019, filed jointly in support hereto as **Exhibit P-2**.
44. IVAC pays approximately 7 000 indemnities per year in connection with those crimes, as evidenced by copies of activity reviews issued by IVAC from 2013 to 2020, filed jointly in support hereto as **Exhibit P-3**.
45. From 2013 to 2019, a little over eight percent (8%) of the crimes against the person reported in Québec were eventually covered under the Compensation Scheme.
46. Since the Compensation Scheme was created in 1972, IVAC paid 2.2 billion dollars in indemnities, of which 152 million dollars were paid in 2020 alone (**Exhibit P-3**).
47. Since where they actually reside is usually irrelevant, victims can access the Compensation Scheme anywhere in the province of Québec.
48. Available data demonstrate that the number of indemnities paid in each area of the province of Québec is usually proportionate to the number of crimes reported in said area, as evidenced by the regional statistics found in **Exhibits P-2 and P-3**.
49. Consequently, the likelihood that a victim residing in the Magdalen Islands, Abitibi, or Saguenay-Lac-Saint-Jean will be financially compensated is more or less the same as if they were living in Québec or Montréal.
50. Nunavik, however, remains systematically excluded from the Compensation Scheme – as evidenced by available statistics.
51. In other words, victims who reside within the Nunavik territory have little or no chance of being indemnified under the Compensation Scheme.

ii. The exception: Nunavik territory

52. Nunavik is an Inuit territory (located north of the 55th parallel) which covers nearly a third of the province of Québec.
53. In 2016, Inuit residents accounted for more or less ninety percent (90%) of Nunavik's population, as evidenced by the report entitled *Inuit: Fact Sheet for Nunavik*, published by *Statistics Canada* on March 29, 2016, filed in support hereto as **Exhibit P-4**.
54. Nunavik is the area of the province of Québec where violent crimes occur most frequently.
55. In fact, nearly 5 000 crimes against the person are committed each year among a population of more or less 12 000 people, as evidenced by statistics released by the

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Kativik Regional Police Force from 2013 to 2020, filed in support hereto as **Exhibit P-5**.

56. Nunavik's local rate of crimes against the person is approximately forty (40) times higher than the average applied throughout the province of Québec¹⁴.
57. From 2001 to 2017, 4,7% of sexual assaults and 3,2% of domestic violence cases reported throughout the province of Québec came from Inuit communities residing in Nunavik, as evidenced by the Viens Commission's *Summary report on domestic, family, and sexual violence and police and legal services*, filed in support hereto as **Exhibit P-6**.
58. In 1992, nearly one (1) out of three (3) residents of Nunavik reported having been the victim of at least one sexual assault so far, as evidenced by the report entitled *Et la santé des Inuits, ça va?* published by Santé Québec in 1994, filed in support hereto as **Exhibit P-7**.
59. In 2004, one (1) out of two (2) women reported having suffered from sexual abuse while growing up in Nunavik, as evidenced by the report entitled *Qanuirpita?*, published by the National Public Health Institute in 2008, filed in support hereto as **Exhibit P-8**.
60. In 2017, 57% of Nunavik's population reported having suffered from physical violence in the past, as evidenced by the report entitled *Qanuirpita?*, published by the National Public Health Institute in 2017, filed in support hereto as **Exhibit P-9**.
61. Despite such dire statistics, the Respondent has failed to implement measures aimed at ensuring that Victims from Nunavik can benefit from the Compensation Scheme just like other citizens of the province of Québec.
62. Literally ignored by their own government, Victims from Nunavik are practically never compensated.
63. From 2013 to 2020, IVAC paid only 86 indemnities in connection with the 40 868 crimes against the person reported in Nunavik, as evidenced by the response provided by the CNESST in regards to an information request dated June 16, 2021, filed in support hereto as **Exhibit P-10**.
64. By comparison, IVAC paid 45 743 indemnities in connection with the 559 617 crimes against the person reported between 2013 and 2019 in the province of Québec.

¹⁴ The proportion of crimes against the person perpetrated in Québec in 2019 was of 1 033,5 offences for 100 000 inhabitants (Exhibit **P-3**). In Nunavik, 4 946 crimes were reported in 2019 with respect to a population of 12 000 people (Exhibit **P-5**).

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65. The data compiled throughout that period of time clearly show that Victims from Nunavik are more or less *forty (40) times less likely* to be financially compensated than those who reside elsewhere in the province of Québec:

In Québec	2013	2014	2015	2016	2017	2018	2019	2020
Number of crimes against the person¹⁵	77 407	75 196	76 264	77 586	82 824	82 649	87 691	N/D ¹⁶
Approved applications¹⁷	5 866	6 591	7 073	5 172	6 000	7 818	7 223	7 401
% of approvals	7.58%	8.77%	9.27%	6.67%	7.24 %	9.46%	8.24%	N/D

In Nunavik	2013	2014	2015	2016	2017	2018	2019	2020
Number of crimes against the person¹⁸	5 058	5 669	4 794	4 948	4 817	5 491	4 946	5 145
Approved applications¹⁹	6	11	12	12	15	10	11	9
% of approvals	0.12%	0.19%	0.25%	0.24%	0.31%	0.18%	0.22%	0.17%

Gap in the data recorded in Nunavik and the rest of Québec (%)	6213%	4616%	3708%	2779%	2335%	5256%	3745%	N/D
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66. Although they are perfectly aware of this unfair and discriminatory situation imposed upon Victims from Nunavik, the Respondent does nothing to rectify it.

iii. Systemic discrimination in Nunavik

67. In 2005, women from each and every Inuit community living in Nunavik got together in order to speak against the social injustice stemming from the spread of violence, as evidenced by the *Satyrvit's family violence Manifesto* published in 2005 by the *Association of Inuit Females of Nunavik* (filed in support hereto as **Exhibit P-11**).

¹⁵ This data can be found in Exhibit P-2.

¹⁶ Data collected in 2020 has not yet been published by the Department of Public Safety.

¹⁷ This data can be found in Exhibit P-3.

¹⁸ This data can be found in Exhibit P-5.

¹⁹ This data can be found in Exhibit P-10.

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68. In 2012, professors Louise Langevin²⁰ and Nathalie Des Rosiers²¹ denounced the alarmingly low rate of compensation of Victims from Nunavik, finding in the situation « (...) *a clear manifestation of the discrimination to which they are exposed whenever attempting to access public services* », as evidenced by an excerpt of their book entitled « *L'indemnisation des victimes de violence sexuelle et conjugale* », filed in support hereto as **Exhibit P-12**.
69. In 2017, the Government of Québec acknowledged that First Nations and Inuit communities of Québec had been subject to discrimination for a long time, and formally vowed to take tangible measures and initiatives in order to help aboriginal victims of criminal acts, including:
- « 3.1.7 : *Inform the victims of criminal acts within aboriginal communities of the right to be protected and of the measures aimed à ensuring their (and their next of kin's) safety;*
- (...)
- 4.1.2 : *Encourage the coordination and exchange of good practices with aboriginal police forces when it comes to referring aboriginal victims to CVAC.* »
- ...as evidenced by the document entitled *Faire plus, faire mieux – Plan d'action gouvernemental pour le développement social et culturel des Premières Nations et des Inuit (2017-2022)* published by the Government of Québec, filed in support hereto as **Exhibit P-13**.
70. In 2018, IVAC recognized that the amount of compensation applications filed by aboriginal residents was « less substantial » with respect to the overall volume of demands, as evidenced by an explanatory document submitted to the Viens Commission²², filed in support hereto as **Exhibit P-14**.
71. Still according to IVAC, access to the Compensation Scheme posed a real « challenge » to the aboriginal communities of Québec, as evidenced by the transcript of the testimony given by Ms. Odette Guertin (then director of IVAC) before the Viens Commission on September 24th, 2018, filed in support hereto as **Exhibit P-15**.

²⁰ At the time, Ms. Louise Langevin was a tenured professor at the Laval University Law School, as well as the Claire-Bonenfant research Chair on the condition of women.

²¹ At the time, Ms. Nathalie Des Rosiers was lead attorney for the *Canadian Civil Liberties Association*. She also served as Dean of the University of Ottawa Law School and as president of the *Law Commission of Canada*.

²² In 2016, the Respondent created a national committee of enquiry whose mission was to investigate the discrimination aboriginal communities of Québec were facing whenever they accessed public services.

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72. In 2019, the Viens Commission tabled a devastating report in which it denounced several discriminatory practices reserved for Québec's First Nations and Inuit communities, as evidenced by the Commission's final and definite report (dated September 29, 2019), filed in support hereto as **Exhibit P-16**.
73. Following up on the work carried out by the Viens Commission, the Prime Minister of Québec issued formal apologies to the First Nations and Inuit communities of the province and vowed to act quickly and efficiently on the matter, as evidenced by the chronicles of debates held before the National Assembly of Québec on October 2nd, 2019, filed in support hereto as **Exhibit P-17**.
74. Two years later, the Respondent still has not taken any tangible actions, measures, or initiatives aimed at addressing the unacceptable conditions imposed upon Victims from Nunavik, as evidenced by responses issued by the DJQ and IVAC in regards to information requests dated June 30th, 2021, filed jointly in support hereto as **Exhibit P-18**.

5. The Plaintiff's personal situation

75. The Plaintiff is a young Inuit woman born in Kuujuaq (Nunavik).
76. The Plaintiff is 24 years-old and the mother of two (2) children of whom she takes care on a full-time basis.
77. In the past, the Plaintiff was subjected to constant sexual assaults and was even the victim of an attempted armed abduction.

i. Perpetrated crimes

1. First incident

78. From 2001 to 2005, the Plaintiff was repeatedly assaulted sexually by a member of her own family.
79. All sexual assaults occurred in Kuujuaq, while the Plaintiff was between 5 and 11 years of age.
80. Following each assault, the perpetrator threatened to harm the Plaintiff and to kill her family should she report the event.
81. On one occasion, the perpetrator even strangled the Plaintiff in order to dissuade her from talking to anybody.
82. In 2013, the Plaintiff found the courage to report the sexual assaults she had endured.
83. In 2014, her attacker was found guilty of multiple sexual offences and sent to prison for thirty (30) months.

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2. Second incident

84. In 2008, the Plaintiff was sexually assaulted once more.
85. The sexual assault in question occurred in Kuujjuaq, while the Plaintiff was 12 years of age.
86. In 2013, the Plaintiff found the courage to press charges against the perpetrator.
87. Her attacker was tried as a young offender and found guilty of sexual assault.

3. Third incident

88. In 2013, the Plaintiff was the victim of an attempted abduction and of an armed assault.
89. The plaintiff was 17 years-old at the time.
90. The perpetrator forced the Plaintiff to get into a car while pointing a firearm at her.
91. Having managed to leave the car, the Plaintiff ran to the Kuujjuaq police station.
92. Once again, the Plaintiff found the courage to press charges.
93. Her attacker was tried as a young offender and found guilty of sexual assault.

4. Fourth incident

94. In 2015, the Plaintiff was sexually assaulted by her immediate superior during a Christmas party.
95. The sexual assault in question occurred in Kuujjuaq, while the Plaintiff was 18 years of age.
96. Once again, the Plaintiff found the courage to press charges.
97. Her attacker was found guilty of sexual assault.

ii. Nowhere to go

98. The Plaintiff found the strength to press charges against all four (4) perpetrators and also to actively participate in the criminal proceedings introduced against them.
99. In each case, the Plaintiff was forced to collaborate with public authorities, to participate in police investigations, and to testify in criminal court.
100. Despite the seriousness and the severity of the crimes she was subjected to, the Plaintiff was never informed of the existence of the Compensation Scheme.
101. Suffering from post-traumatic stress, the Plaintiff tried to alleviate her pain and anxiety by consuming alcohol and illegal drugs for several years.
102. Shortly after the fourth incident occurred, the Plaintiff attempted to take her own life.

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103. In the spring of 2021, not knowing where to turn to, the Plaintiff consulted with a private bar attorney in order to file civil proceedings against her attackers.
104. It is only on that occasion that the Plaintiff was made aware of the existence of the Compensation Scheme.

6. The Respondent's civil liability

i. Misconduct

105. At all times relevant to this case, the Respondent was perfectly aware of the obligations imposed upon them by the CVCA and the AAVC when it came to compensating Victims from Nunavik.
106. By knowingly failing to honor their obligations, the Respondent unfairly deprived Victims from Nunavik of the benefits offered by the Compensation Scheme.
107. Such serious and wilful misconduct must be sanctioned by means of compensatory and punitive damages.

ii. Psychological harm

108. The perpetration of any violent crime against a person will undoubtedly impact the latter negatively.
109. Hence, being deprived of the benefits offered by the Compensation Scheme will cause the victim to suffer undue physical and psychological hardship.
110. The Plaintiff must live with constant sadness, anger, and frustration for having been blatantly ignored by the Respondent and its representatives.
111. Such emotions are only enhanced by the anguish and resentment the Plaintiff feels towards the Respondent, who not only disregarded her plight but turned a blind eye on the suffering of several Inuit citizens of Québec.
112. In order to compensate such psychological harm, the Plaintiff is entitled to claim, not only for herself but on behalf of each class member, an amount of one thousand dollars (1 000\$) for each and every crime they were subjected to.

iii. Punitive damages

113. The Respondent could in no conceivable way ignore the immediate and unavoidable consequences of their behaviour on Victims from Nunavik's constitutional rights to safety, dignity, and equality, as they are guaranteed under sections 7 and 15 of the *Canadian Charter of Rights and Freedoms* (hereinafter, the « **Canadian Charter** ») and sections 1, 4, and 10 of the *Charter of Human Rights and Freedoms* (hereinafter, the « **Charter** »).

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114. Considering the necessity of protecting such fundamental rights, the Plaintiff is entitled to claim, not only for herself but on behalf of each and every class member, punitive damages in the amount of ten thousand dollars (10 000\$).
115. Such compensation is fair and just within the meaning of subsection 24(1) of the Canadian Charter and of subsection 49(2) of the Charter.

7. Members of the class

116. The composition of the class makes it difficult (or at least impracticable) to apply the rules pertaining to the mandate of filing proceedings on behalf of others as well as of the consolidation of civil actions.
117. As the proceedings contemplated herein involve hundreds (if not thousands) of individuals, the Plaintiff cannot be expected to get in touch with each and every class member and be given the assignment to represent them.
118. A class action is the only procedural means the class members (who happen to be particularly vulnerable) have at their disposal in order to exercise their rights.

8. Identical, similar, or related issues

119. The identical, similar, or related questions of fact and of law the Plaintiff intends to submit on behalf of the class members are as follows:
1. Did the Respondent fail to honor the obligations imposed upon them by the CVCA and the AAVC when it came to class members?
 2. If so, must the Respondent compensate the class members for the harm they have suffered?
 3. Did the Respondent violate the fundamental rights of class members protected under sections 7 and 15 of the Canadian Charter?
 4. If so, are the class members entitled to damages within the meaning of subsection 24(1) of the Canadian Charter?
 5. Did the Respondent violate the fundamental rights of class members protected under sections 1, 4, and 10 of the Charter?
 6. If so, are the class members entitled to punitive damages within the meaning of subsection 49(2) of the Charter?

9. Conclusions sought

120. The conclusions the Plaintiff is seeking in the course of the class action are as follows:

GRANT the judicial application filed by the Plaintiff on behalf of all class members;

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ORDER the Respondent to pay each class member (as compensatory damages) an amount of one thousand dollars (1 000,00 \$) for each crime they were subjected to, the whole with interest and additional indemnity starting on the date at which the *Application for Authorization to introduce a class action and to be appointed as representative plaintiff* was filed;

ORDER the Respondent to pay each class member an amount of ten thousand dollars (10 000,00 \$) as punitive damages (based on sections 7 and 15 of the Canadian Charter and sections 1 and 10 of the Charter), the whole with interest and additional indemnity starting on the date at which the *Application for Authorization to introduce a class action and to be appointed as representative plaintiff* was filed;

ORDER any other compensatory measure the Court deems necessary or useful in order to uphold the fundamental rights of class members;

RECONVENE the parties to a hearing to be held within thirty (30) days of the court's final ruling in order to determine in what way the amounts recovered hereunder will be allocated;

THE WHOLE with legal fees and costs, including (if needed) all notification, consultation, and administration expenses.

10. Proper representation

121. The Plaintiff is herself a member of the class, and as such is familiar with the case.
122. As an Inuit born in Nunavik, the Plaintiff understands the needs of the class.
123. The Plaintiff is willing to invest time and other resources in the fulfillment of all the requirements of this class action, and will fully collaborate with the counsels in charge of its management.
124. The Plaintiff is acting honestly, in good faith, and for the sole purpose of obtaining justice for herself and all the class members.
125. To sum up, the Plaintiff is able to provide adequate representation of all the class members interested in these proceedings.

11. Judicial district

126. Given the fact that the Respondent has a main place of business in the judicial district of Montréal, the Plaintiff wishes that this class action be introduced and heard in said district.

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FOR THESE REASONS, MAY IT PLEASE THE COURT TO :

GRANT the *Application for Authorization to introduce a class action and to be appointed as representative plaintiff*;

AUTHORIZE the introduction of a class action aimed at obtaining compensatory and punitive damages from the Respondent;

APPOINT Plaintiff Raven Gordon-Kawapit as representative of the group described as follows :

Any and all individuals who, although they were the direct or indirect victim of a crime against the person perpetrated within Nunavik territory, were denied support by the government and its representatives according to the public Compensation Scheme established under the *Crime Victims Compensation Act*.

Are specifically excluded from the definition given above any and all individuals who, although they were the victim of one or more criminal acts, did not report any of those criminal acts to the public authorities.

LABEL as follows the questions of fact and of law the Court will have to rule upon on a collective basis:

1. Did the Respondent fail to honor the obligations imposed upon them by the CVCA and the AAVC when it came to class members?
2. If so, must the Respondent compensate the class members for the harm they have suffered?
3. Did the Respondent violate the fundamental rights of class members protected under sections 7 and 15 of the Canadian Charter?
4. If so, are the class members entitled to damages within the meaning of subsection 24(1) of the Canadian Charter?
5. Did the Respondent violate the fundamental rights of class members protected under sections 1, 4, and 10 of the Charter?
6. If so, are the class members entitled to punitive damages within the meaning of subsection 49(2) of the Charter?

LABEL as follows the conclusions sought in the course of the class action:

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GRANT the class action introduced by the Plaintiff on behalf of all class members;

ORDER the Respondent to pay each class member (as compensatory damages) an amount of one thousand dollars (1 000,00 \$) for each crime they were subjected to, the whole with interest and additional indemnity starting on the date at which the *Application for Authorization to introduce a class action and to be appointed as representative plaintiff* was filed;

ORDER the Respondent to pay each class member an amount of ten thousand dollars (10 000,00 \$) as punitive damages (based on sections 7 and 15 of the Canadian Charter and sections 1 and 10 of the Charter), the whole with interest and additional indemnity starting on the date at which the *Application for Authorization to introduce a class action and to be appointed as representative plaintiff* was filed;

ORDER any other compensatory measure the Court deems necessary or useful in order to uphold the fundamental rights of class members;

RECONVENE the parties to a hearing to be held within thirty (30) days of the court's final ruling in order to determine in what way the amounts recovered hereunder will be allocated;

THE WHOLE with legal fees and costs, including (if needed) all notification, consultation, and administration expenses.

ORDER that unless they have asked to be excluded from the proceedings, class members will be bound by the ruling the Court will make in connection with the class action;

SET at sixty (60) days past the publication of the notice to members the deadline members of the class will have to exclude themselves from the proceedings, failing which any and all members who have not opted out will be irrevocably bound by the Court's ruling.

ORDER that a notice to members be published in accordance with terms and conditions the Court will determine;

REFER the case to the Chief Justice so a judicial district is determined and a responsible justice is appointed.

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THE WHOLE with legal fees and costs, including all notification expenses.

Montréal, August 20th, 2021

Coupal Chauvelot SA

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