

National Inquiry into
Missing and Murdered
Indigenous Women and Girls



Enquête nationale
sur les femmes et les filles
autochtones disparues et assassinées

Notice of Applications for Standing at the

National Inquiry into Missing and Murdered Indigenous Women and Girls

Issued March 13, 2017

By virtue of Terms of Reference issued by Canada and Orders in Council issued by each common law Province and Territory, and an Administrative Decree by the Province of Quebec, Marion Buller, Michele Audette, Brian Eyolfson, Marilyn Poitras, and Qajaq Robinson have been appointed as the Chief Commissioner and Commissioners, respectively, of the National Inquiry into Missing and Murdered Indigenous Women and Girls (the “National Inquiry”). The Terms of Reference, and companion Orders in Council and Administrative Decree, authorize the Commissioners, in their unfettered discretion, to grant standing to persons, organizations or other entities, if they meet the criteria and interests stated below:

1. The Commissioners of the National Inquiry will inquire into and report on those matters stated in the federal Terms of Reference, which are replicated in the counterpart Provincial and Territorial Orders in Council and Administrative Decree, as follows:
 - (a) systemic causes of all forms of violence — including sexual violence — against Indigenous women and girls in Canada, including underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of Indigenous women and girls in Canada, and
 - (b) institutional policies and practices implemented in response to violence experienced by Indigenous women and girls in Canada, including the identification and examination of practices that have been effective in reducing violence and increasing safety; and
2. Furthermore, the Commissioners of the National Inquiry will make recommendations on the following:
 - (a) concrete and effective action that can be taken to remove systemic causes of violence and to increase the safety of Indigenous women and girls in Canada, and
 - (b) ways to honour and commemorate the missing and murdered Indigenous women and girls in Canada.

Hearings of the National Inquiry in Three Parts:

3. Fact gathering hearings will be held across Canada as determined by the Commissioners.
4. These hearings will be divided into three parts:
 - i. **Part I** will hear from Indigenous families who have lost loved ones to violent, wrongful or suspicious death and/or inexplicable disappearance, Indigenous women and girls who have suffered, and may still be suffering, violence, including sexual violence, and members from communities who have lost loved ones. These will be called the “**Family and Survivor Fact Gathering Hearings**”.
 - ii. **Part II** will hear from individuals, and representatives, from institutions and organizations, Indigenous and non-Indigenous, including governments, and government agencies such as police authorities, and other institutions such as child welfare agencies in what will be called the “**Institutional Fact Gathering Hearings**”.
 - iii. **Part III** of the National Inquiry will hear from experts from different disciplines and will be called the “**Expert hearings**”.
5. The Family and Survivor Fact Gathering Hearings will start first, followed by the Institutional Fact Gathering Hearings. The Expert Hearings will be held concurrent with Parts I and II (ie: throughout the fact gathering hearings).

Types of Standing:

6. The applicant(s) may apply for two types of broad standing:
 - (a) Regional standing which will allow the designated applicant to participate in those events which are classified as regional, such participation to be determined by the Commissioners. The regions are the respective Provinces and Territories, although the Commission recognizes that Indigenous traditional territories have boundaries that do not necessarily fit into any one province or territory but rather are fluid throughout the country. Applicants may apply for standing in one or more regions. For purposes of this Standing process, the regions are as follows :
 - i. Alberta;
 - ii. British Columbia;
 - iii. Manitoba;
 - iv. Newfoundland and Labrador
 - v. New Brunswick;
 - vi. Nova Scotia;
 - vii. Northwest Territories;
 - viii. Nunavut;
 - ix. Ontario;

- x. Prince Edward Island;
- xi. Quebec;
- xii. Saskatchewan;
- xiii. Yukon.

(b) National Standing which will allow the designated applicant to participate in those events which are classified as national in a manner to be determined by the Commissioners, including fact gathering hearings involving the federal government and federal institutions, and expert panels or individual expert witnesses that are national in scope.

Issue Specific Standing:

7. The applicant(s) may also apply for special standing limited to a specific issue(s) within the Regional or National Standing category which shall be identified in the written Application and are relevant to the mandate of the National Inquiry. Issues can include, but are not limited to, areas of :
- Police practices and relationships with Indigenous peoples and communities;
 - child welfare; constitutional issues; criminal justice system; death investigation processes; education and education systems; health and health services; impact of colonization on violence against Indigenous women and girls; and the media.

Standing Criteria:

8. Commission counsel, who will assist the Commissioners throughout the National Inquiry and are to ensure the orderly conduct of the National Inquiry, have standing throughout the National Inquiry. Commission Counsel have the primary responsibility for representing the public interest at the Inquiry, including the responsibility to ensure that all interests that bear on the public interest are brought to the Commissioners' attention.
9. Witnesses that receive summons or are called by the Commission do not require standing and do not have to apply for standing, unless they wish to apply for special rights associated with standing, and meet the criteria as set out in this Notice (and repeated in the National Inquiry's *Legal Path: Rules of Practice and Respect*).
10. Persons or groups may be granted standing by the Commissioners, if the Commissioners are satisfied that they,
- (a) Have an interest which is directly and substantially affected by the subject matter of Terms of Reference, and companion Orders in Council and Administrative Decree, of the National Inquiry; and

(b) Represent distinct ascertainable interests and perspectives that are essential to the discharge of the Commissioners' mandate as expressed in the Terms of Reference, and the companion Orders in Council and Administrative Decree of the National Inquiry, and that the Commissioners consider ought to be separately represented before the National Inquiry,

in which event the party may participate in a manner to be determined by the Commissioners.

(c) Applicants that have common interests are encouraged to organize themselves into single collective group and apply as one party for the purpose of seeking single party status. The Commissioners reserve the right to unilaterally combine or group applicants into one party for standing purposes.

(d) All standing applications will be received in writing. Applications by interested individuals and organizations, including governments and government agencies, Indigenous and non-Indigenous organizations, for standing and funding in relation to the fact gathering hearings (Parts I, II and/or III) of the National Inquiry will be heard in writing.

11. The Commissioners will determine the extent to which a party granted standing might participate in Parts I, II and/or III of the National Inquiry.

12. The term "party" is used to convey the grant of standing and is not intended to convey notions of an adversarial proceeding.

13. Counsel representing witnesses called to testify before the Commission may participate during the hearing of such evidence as provided in the *Legal Path: Rules of Process and Respect* without applying for, or being granted, standing.

Scope of Participation:

14. The Commissioners will determine the scope and extent of rights which a party granted standing will have ranging from:

(a) the right to make closing written and/or oral submissions at the conclusion of the public hearings;

(b) the right to request that Commission counsel call particular evidence;

(c) the right to cross examine at Parts II and III hearings but not at Part I: Family and Survivor Fact Gathering Hearings;

- (d) advance access and access to:
 - i. documents;
 - ii. summaries of anticipated statements;
 - iii. access to written statements;
- (e) any other rights to be determined by the Commissioners in their unfettered discretion.

15. Applicants who are granted standing shall be deemed to attorn to the jurisdiction of the Commissioners and the National Inquiry's *Legal Path: Rules of Process and Respect*.

Standing Application:

16. Applications for standing and funding will be posted on the website of the National Inquiry at www.mmiwg-ffada.ca under "Legal Notices and Documents".

17. An Application form must be submitted and any additional written submissions accompanying the form shall not exceed five (5) typed double space pages on 8 ½ by 11" paper. The following information is required in the Application:

- (a) Whether standing is sought for Part I, Part II and/or Part III of the inquiry;
- (b) Whether the applicant seeks regional and/or national standing, and if regional standing, for which region or regions;
- (c) Whether the applicant seeks issue specific standing and, if so, for which issue or issues;
- (d) a statement of how the applicant satisfies the criteria for standing set out in the *Legal Path: Rules of Practice and Respect* (as reflected in this Notice).

Funding Application:

There is some capacity to provide funding to parties granted standing but it is limited and therefore criteria and application for funding are necessary.

18. Applications for funding must be made in writing and should provide the following information:

- (a) A statement of how the applicant satisfies the criteria for funding set out in in this Notice (and reflected in the National Inquiry's *Legal Path: Rules of Process and Respect*) that demonstrates why the applicant would not otherwise be able to participate without such funding. The application must include accurate and comprehensive financial information that can be in the form of, for example, Financial statements, Organization's Annual General Reports; operating budgets, the number of members and membership fee structure;

- (b) Applicant should also indicate whether they have contacted other groups or individuals to bring them into an amalgamated group and the results of those contacts;
- (c) A description of the purposes for which the funds are required, how the funds will be disbursed and how they will be accounted for;
- (d) A statement of the extent to which the applicant will contribute its own funds and personnel to participate in the National Inquiry;
- (e) The name, address, telephone number and position of the individual who will be responsible for administering the funds, and a description of the financial controls put in place to ensure that the funds are disbursed for the purposes of the National Inquiry.

More information Available:

More information on the legal process, including fact gathering hearings, are set out in the National Inquiry's *Legal Path: Rules of Process and Respect* which can be found at our website at www.mmiwg-ffada.ca under "Legal Notices and Documents" or a copy can be obtained by contacting the National Inquiry from its Head Offices at the addresses and or telephone numbers set out below.

Two Rounds of Application for Standing:

This Notice of Application for Standing will provide an opportunity for standing applications to be filed later in the process. This second round of Applications for Standing, however, will be for the purpose of making written and/or oral closing submissions, at the conclusion of the hearings, only. This further opportunity to apply for Standing for closing submissions will occur after Part I: Family and Survivor Fact Gathering Hearings have concluded, and the form and due date will be publicly posted.

First Round Submissions Due Date:

Applications for standing and/or funding must be submitted to the National Inquiry by delivering a copy either to our Head Office in Vancouver at the address set out below or by fax to the National Inquiry's Head Office at 1-604-775-5009 or by email at legal@mmiwg-ffada.ca to be received by no later than **5:00 PM PDT on April 10, 2017**.

If you have any questions you may contact us at 1-604-775-9702.

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