



Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System

James J. Igloliorte
Commissioner

Dr. Michael Devine
Commissioner

Anastasia Qupee
Commissioner

DECISION: STANDING APPLICATION FOR THE HUMAN RIGHTS COMMISSION OF NEWFOUNDLAND AND LABRADOR

December 23, 2022

Commissioners Igloliorte, Qupee, and Devine:

Background

- [1] The Applicant, the Human Rights Commission of Newfoundland and Labrador is an independent government agency responsible for promoting and protecting human rights in the Province of Newfoundland and Labrador through the administration of the *Human Rights Act, 2010 SNL c. H-13.1*.
- [2] The Applicant has applied to the Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System (“the Inquiry”) for General Standing pursuant to s. 5(2) of the Public Inquiries Act, 2006, SNL 2006 c. P-38.1 (“the Act”) and Part XII of the Amended Rules of Procedure.
- [3] The Applicant submits that its participation in the Inquiry would contribute to the Inquiry by providing the Commissioners with a human rights lens to inform the Final Report and Recommendations.
- [4] The Applicant has applied to participate in the Inquiry Respecting the Treatment, Experiences, and Outcomes of Innu in the Child Protection System (“the Inquiry”) as follows:
 - i) Written and oral submissions that will provide a human rights lens to the Commissioners as they consider the findings of fact and recommendations that will be contained in the Final Report;

Decision

[5] The *Act*, sets out the considerations that the Commissioners must take into account in determining standing, as follows:

5. (1) A commission shall give those persons who believe they have an interest in the subject of the inquiry an opportunity to apply to participate.

(2) A commission shall determine whether a person may participate in an inquiry, and how he or she may participate, after considering:

- (a) whether the person's interests may be adversely affected by the findings of the commission;
- (b) whether the person's participation would further the conduct of the inquiry; and
- (c) whether the person's participation would contribute to the openness and fairness of the inquiry.

[6] The factors set out in s. 5(2) can be grouped into two different types of considerations. Firstly, the Commissioners must determine whether the applicant's interests may be adversely affected by the findings of the commission. Secondly, the Commissioners must consider what contribution the applicant may make to the Inquiry, whether it be in furthering its work or increasing the transparency and fairness of the process.

[7] Upon considering the Applicant's application, the Commissioners are satisfied the criteria are met and grant the Applicant standing to participate in the Inquiry as follows:

- ii) Written and/or oral submissions that will provide a human rights lens to the Commissioners as they consider the findings of fact and recommendations that will be contained in the Final Report; and
- iii) Access to documents necessary for the Applicant to prepare its written and/or oral submissions.

Funding

[8] As the Commissioners have determined that the participation of the Human Rights Commission will further the conduct of the Inquiry, they recommend that the government of the province provide funding for Human Rights Commission of Newfoundland and Labrador to retain counsel to participate in the Inquiry as set out herein.

