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GN Claims Inuit Children Have No Right to Be Educated in Inuktitut in it's Motion to Dismiss NTI's discrimination lawsuit

(April 25, 2022, Iqaluit, Nunavut) Nunavut Tunngavik Inc. (NTI) expresses disappointment with the Government of Nunavut's (GN) motion to dismiss NTI's Claim for Equality Rights of Inuit Children and Youth (the "Claim") as per s. 15 of the *Canadian Charter of Rights and Freedoms* (the "Charter").

On October 13, 2021, NTI, along with Inuit plaintiffs representing parents of Inuit students, filed a Claim asserting that by enacting amendments to the *Education Act* and the *Inuit Language Protection Act*, the GN systemically discriminates against Nunavut Inuit for failing to provide education in the Inuktitut language and culture, and therefore violating constitutionally-protected equality rights guaranteed under the Charter. On April 4, 2022, the GN filed a Motion to Strike (the "Motion") NTI's Claim in the Nunavut Court of Justice (the "Court") and in doing so, the GN is asking the Court to dismiss the entirety of the Claim without having the opportunity to hear the full case on its merits.

In its Motion, the GN argues that Inuit have absolutely no rights to Inuktitut education, and that the only constitutional rights to language in Canada relate to minority rights in English or French, even though Inuit comprise of 85% of the total population and 94% of the student population in Nunavut. In any other jurisdiction in Canada, students and parents don't have to encounter such resistance to the political will of its people.

"NTI has continually advocated to the Government of Nunavut to strengthen Inuktitut in public education. However, the GN's message is clear – Inuktitut is unworthy of an equal place in the public education system, and that Inuit should accept this inequality," said NTI President Aluki Kotierk.

The GN also claims that the government has the "unfettered" authority to pass any legislation it chooses, even if it results in discrimination against Inuit, and to decide the kind of education and in which language Inuit children would receive, based on its narrow view that the Inuit negotiators relinquished authority on language of instruction to the GN.

"Nunavut Inuit had high hopes and expectations that the Government of Nunavut, established by the *Nunavut Agreement*, would fulfill Inuit aspirations of a public education system that embraced and valued the Inuktitut language. The GN's Motion sends the wrong message that Inuit cannot ask for equal treatment in how they receive education, and that Inuit should accept the framework that could result in irreversible language loss." said NTI President Aluki Kotierk.

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Backgrounder: Inuit Language and Equality Rights

- Since the creation of Nunavut in 1999, Nunavut Tunngavik Inc. members have passed numerous annual general meeting resolutions in 1999, 2000, 2003, 2004, 2005, 2006, 2007, 2013, 2016, 2017, 2018 and 2019, consistently calling upon the Government of Nunavut to;
 - provide for Inuktitut language of instruction from Kindergarten to Grade 12,
 - ensure the education system accorded Inuit parental control over education,
 - ensure curriculum reflected Inuit language and culture,
 - ensure Inuit educators were supported in teacher education, training, hiring and retention
- The primary concerns raised from the last public consultations during the 2018 Nunavut-wide community tour were;
 - the lack of Inuit educators, and the lack of support to Inuit in teacher education, training, practicum placement, hiring and retention,
 - the lack of Inuktitut curriculum, resources and support to Inuit educators, and inability to develop quality education in Inuit language and culture, including their dialect preferences,
 - barriers to inclusion of Inuit elders as educators,
 - inability of parents and community members to have control and authority over education through district education authorities, and preference to retain their existing authorities (e.g. school programs, inclusive education, principal hiring, calendars etc), and inability to exercise their authorities with limited support and resources,
 - inability of students to succeed in school, post-secondary education, economic and employment opportunities because of social promotion and lack of collaboration on improvements to attendance rates
- NTI submitted its' own *Nunavut Education Reform Act* in the fall of 2019, as an alternative solution to Bill 25, an Act to amend the *Education Act* and the *Inuit Language Protection Act*, which was provided to the Government of Nunavut prior to the passing of Bill 25 by the Legislative Assembly of Nunavut in October 2020. The *Nunavut Education Reform Act* was meant to provide for Inuktitut language of instruction from Kindergarten to grade twelve, Inuit control over their own education, authority over Inuktitut language and culture curriculum, an Inuit Employment Plan for the Government of Nunavut to educate, train, hire and retain Inuktitut-speaking educators, and other measures to improve educational attainment
- The statement of claim asserts that the Government of Nunavut denies equality rights and perpetuates systemic discrimination by forcing Inuit students to an education system comprised predominantly in English or French, and denying them education in their own language and culture. The claim asserts that this discrimination:
 - a) harms the preservation, retention and transmission of Inuit language and culture; and
 - b) affects the ability of Inuit students to achieve educational attainment, and further diminishes their opportunities for post-secondary education, employment and economic participation.
- The Parties to the statement of claim are the Commissioner of Nunavut and the Attorney General of Nunavut as representatives of the Government of Nunavut, NTI and Inuit parents of students in the Nunavut public education system.
- The statement of claim is pursued in the Nunavut Court of Justice to seek relief of a court-mandated order for the Government of Nunavut to undertake the following specific steps;
 - a) develop an implementation plan in consultation with NTI within six months of the court order,
 - b) provide Inuit language education from grade 4 to grade 12 within five years of the court order,
 - c) report back to the court periodically on the progress of the implementation plan on Inuktitut language education

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- Alternatively, the statement of claim seeks a declaration that the amended pieces of legislation pertaining to provision of Inuit language arts class to the year 2039 discriminate against Inuit parents and students and should no longer be of force or effect.
- The GN has yet to file a Statement of Defense in response to NTIs Statement of Claim filed on October 13, 2021 and further amended and filed on January 28, 2022.