

NEWS RELEASE



For Immediate Release

NTI Welcomes Nunavut Court of Appeal Decision to Allow Education Equality Rights Lawsuit Trial Preparations to Proceed

(May 22, 2024 — Iqaluit, Nunavut) Nunavut Tunngavik Inc. (NTI) is pleased with the Nunavut Court of Appeal’s decision to allow trial preparations to proceed without further delay in the lawsuit launched by two Inuit families and NTI against the Government of Nunavut (GN).

In that lawsuit NTI and the Inuit families, on behalf of all Nunavut Inuit, seek protection under section 15 of the *Charter of Rights and Freedoms* to end discrimination that Inuit students experience in Nunavut schools by not having Kindergarten to Grade 12 education available in Inuktitut. In their decision last week, the Nunavut Court of Appeal wrote that “*justice delayed is often justice denied...and to halt this claim pending all available appeals could add years to the lawsuit.*”

“The GN’s current education system is very similar to what we experienced as children, being forced to learn only English in schools. We have tried to push for change to reverse a predominantly English school system through this case. But instead, the GN has tried to avoid and delay the trial with multiple procedural motions,” said NTI Vice President Paul Irngaut. “However, we are pleased that the Courts continue to rule in favor of allowing Inuit an opportunity to prove the case that Inuit students experience systemic discrimination in schools by not having the choice to learn in Inuktitut”.

The GN first filed to have the lawsuit dismissed from court with a Motion to Strike application in April 2022, but the Nunavut Court of Justice denied the request. The GN appealed that decision in March 2023, then filed a Motion to Stay the claim in July 2023, asking the court to pause any litigation steps while awaiting the Nunavut Court of Appeal decision on the Motion to Strike. In this latest Nunavut Court of Appeal decision, the limited stay that the Nunavut Court of Justice granted the GN has been overturned.

“Inuktitut language needs to be supported and promoted by the GN in the school system for Inuit students to succeed and attain higher levels of education”, said Vice President Irngaut. “Without Inuktitut as the foundation of the education system, serious harm is brought to Nunavut Inuit by impeding academic achievement, hindering our goal of increasing graduation rates, and denying more Nunavut Inuit students the opportunity to pursue post-secondary education.”

After decades of attempting to work with the GN, NTI filed the claim in October 2021. The claim asserts that the GN’s 2020 amendments to the *Education Act* and the *Inuit Language Protection Act*, which removed the Inuktitut language of instruction requirement from Kindergarten to Grade 12, results in systemic discrimination against Inuit students.

-30-

Media Contact:
Kevin Kablutsiak
Director of Communications
Nunavut Tunngavik Inc.
media@tunngavik.com

Backgrounder: Inuit Language and Equality Rights

October 13, 2021

NTI files a s. 15 *Charter* claim asserting that the Government of Nunavut (naming the Commissioner of Nunavut and the Attorney General of Nunavut as representatives of 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:

- harms the preservation, retention and transmission of Inuit language and culture; and
- affects the ability of Inuit students to achieve educational attainment, and further diminishes their opportunities for post-secondary education, employment and economic participation.

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:

- develop an Inuktitut language education implementation plan, in consultation with NTI, within six months of the court order and report back to the court periodically on the progress of the implementation plan,
- provide Inuit language education from grade 4 to grade 12 within five years of the court order.

Alternatively, NTI's s. 15 *Charter* Claim seeks a declaration that the amended legislation reducing the right to Inuktitut language of instruction to an Inuit language arts class to the year 2039 discriminates against Inuit parents and students, and those amended provisions should no longer be of force or effect.

January 28, 2022

NTI files an amended Statement of Claim

April 4, 2022

The GN files a motion to have the Nunavut Court of Justice strike NTI's s. 15 *Charter* Claim, based on the following grounds:

- the *Charter* provides a complete code in relation to English or French language of instruction rights, and that s. 15 of the *Charter* should not be used to expand upon those rights,
- the Legislative Assembly of Nunavut has exclusive legislative authority to pass or amend legislation in relation to education and language.

March 2, 2023

The Nunavut Court of Justice releases its decision denying the GN's motion to strike NTI's s. 15 *Charter* Claim

March 30, 2023

The GN appeals the Nunavut Court of Justice's March 2, 2023 decision not to strike NTI's s. 15 Charter Claim, to the Nunavut Court of Appeal

April 13, 2023

The Government of Nunavut files its Statement of Defense a year and a half after NTI's initial filing on October 13, 2021

July 20, 2023

The GN files a different motion application to ask the Nunavut Court of Justice to stay NTI's s. 15 *Charter* Claim

November 14, 2023

The Nunavut Court of Justice holds a hearing to determine whether to grant the GN's motion to stay NTI's s. 15 *Charter* Claim

January 10, 2024

The Nunavut Court of Justice decides to stay NTI's s. 15 *Charter* claim, pending the Nunavut Court of Justice Appeal's decision on the GN's Motion to Strike application

February 12, 2024

NTI appeals the Nunavut Court of Justice's January 10, 2024 decision to stay NTI's s. 15 *Charter* Claim, to the Nunavut Court of Appeal

February 13, 2024

The Nunavut Court of Appeal holds a hearing to determine whether the Nunavut Court of Justice's decision to deny the GN's Motion to Strike should be reviewed and overturned

May 16, 2024

The Nunavut Court of Appeal overturns the Nunavut Court of Justice's decision to grant GN's motion to stay NTI's s. 15 *Charter* Claim