



Backgrounder: Inuktit Education Discrimination lawsuit

October 13, 2021

NTI files a Section 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 through an education system comprised predominantly of 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 through a court mandated order for the Government of Nunavut to undertake the following specific steps:

- develop an Inuktit 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 Inuktit language of instruction to an Inuit language arts class by 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, arguing that:

- 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 pending the outcome of its appeal on its motion to strike, including any potential further appeal to Supreme Court of Canada.

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 grant a partial stay of NTI's s. 15 *Charter* claim, only until 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 indicating that "Justice delayed is often justice denied".

August 28, 2024

The Nunavut Court of Appeal rejects the appeal to overturn the Nunavut Court of Justice's decision denying the Government of Nunavut's motion to strike the s. 15 *Charter* claim and affirming that NTI's claim should proceed to trial.