

NEWS RELEASE



Nunavut Tunngavik Inc. (NTI) is pleased with the Nunavut Court of Justice Decision to Allow the Equality Rights Lawsuit for Inuit Students to Move Forward in Court

(March 3, 2023, Iqaluit, Nunavut) On March 2, 2023, the Nunavut Court of Justice released its decision to reject the Government of Nunavut's (GN) attempt to throw out the lawsuit seeking to end discrimination against Inuit students in Nunavut's public schools based on the absence of Inuktitut education. NTI began the lawsuit alongside two Inuit families on behalf of all Inuit. It asks the court to intervene under the *Canadian Charter of Rights and Freedoms* to protect Inuit students by addressing the discrimination after over a decade of NTI attempting to work with the GN with no progress.

Last fall, Justice Paul Bychok of the Nunavut Court of Justice heard legal arguments from both NTI and the GN on whether the lawsuit should proceed to trial or be dismissed from court entirely before there is a trial.

NTI was appalled by the GN's arguments. The GN argued that Inuit do not have equality rights under the *Canadian Charter of Rights and Freedoms* that protect Inuit from being discriminated on based on Inuktitut language. The GN argued that the *Canadian Charter of Rights and Freedoms* only protects English and French students from discrimination, and, on that basis, they argued the lawsuit should be thrown out and not go forward to a trial.

"The court decision that the lawsuit should not be dismissed is a significant validation that the claim is worth advancing. NTI will continue to pursue all legal avenues to legally prove that Inuit students in the education system - Kindergarten to Grade 12 - are treated differently in not having the choice to receive Inuit language of instruction that connects them to their cultural identity. Although this decision by the Nunavut Court of Justice is welcomed, the GN's motion to dismiss caused another year of unnecessary delay in this important case," said Aluki Kotierk, President of NTI.

NTI welcomes the Nunavut Court of Justice's decision to hear the full case in court. NTI will take all the legal steps necessary to legally prove discrimination in the education system exists, and that systemic changes are urgently needed to ensure Inuit students can achieve greater educational attainment and success in a school system that fosters their language and culture.

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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; and
 - 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; and
 - 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 infringes the equality rights of Inuit students protected by s. 15 of the *Canadian Charter of Rights and Freedoms*. GN systemically discriminates against Inuit students by:
 1. forcing Inuit students to attend an education system comprised predominantly in English or French, and denying them education in their own language and culture; and
 2. affecting their ability to achieve educational attainment, and further diminishing their opportunities to 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 a court-mandated order for the Government of Nunavut to undertake the following specific steps:
 1. develop an implementation plan in consultation with NTI within six months of the court order;
 2. provide Inuit language education from grade 4 to grade 12 within five years of the court order; and
 3. report back to the court periodically on the progress of the implementation plan on Inuktitut language education.
- Alternatively, the statement of claims seeks a declaration that the amended legislation requiring only the provision of Inuit language arts classes by the year 2039 discriminate against Inuit parents and students and should no longer be of force or effect.
- The GN did not file a Statement of Defense within thirty days after the Statement of Claim was filed. However, the GN filed a Motion to Dismiss the lawsuit on April 4, 2022, and a summary motion hearing was held in Iqaluit on August 2 and 2, 2022 in Iqaluit.
- On March 2, 2023, NCJ ruled that NTI’s s. 15 equality claim should proceed to trial and that the Government of Nunavut has to file a Statement of Defense within thirty (30) days