



Background

Inuit Language Protection Act

State of the Inuit Language in Nunavut

- Data from the 2006 Census reveal that Inuktitut is one of only three Aboriginal languages in Canada spoken by enough people that long term survival is possible. However, that survival is at great risk.¹
- In the 2006 census only 64% of Inuit in Nunavut reported speaking Inuktitut at home. This reflects a 10% decline from the 1996 census which found 76% spoke it at home.²
- The reduction in the use of the Inuit Language is reflected in a recent study on the values and attitudes of Inuit youth. They reported using and hearing English more and more frequently and the study documents their concern that they are losing their ability to speak the Inuit Language. This study adds a youth perspective to the data already considered regarding the linguistic needs, aspirations and goals of Inuit: The youth in this study expressed the need for support for their language through family, community and education.³
- The *Nunavut Act* gives the Legislative Assembly the authority to make laws in relation to the preservation, use, and promotion of the Inuit Language so long as the existing rights regarding English and French are undiminished.
- The *Inuit Language Protection Act* also responds to a situation of legal inequity on the face of Canadian laws. There was previously no clear legislative statement or decision affirming the linguistic rights of Inuit, and there were some in Canadian society who would deny that such rights exist.
- In view of the unique factual and legal situation of the Inuit Language, the responses set out in the *Inuit Language Protection Act* are necessary from a number of perspectives, including the following:
 - The guarantee of substantive equality, set out at section 15 of the *Charter of Rights and Freedoms*;
 - Fundamental constitutional principles such as federalism, democracy and respect for human, aboriginal and minority rights;
 - The positive obligation to take action, as the result of these principles and also certain objectives and provisions of the Nunavut Land Claims Agreement; and⁴

¹ Aboriginal Peoples in Canada in 2006: Inuit, Métis and First Nations, 2006 Census: Inuit, Statistics Canada, 2008.

² Census of the Population, Statistics Canada, 1996 and 2006.

³ Aboriginal Languages in Canada: Emerging Trends and Perspectives on Second Language Acquisition, Canadian Social Trends, Statistics Canada, 2007, pp. 26.

⁴ For example: See *R. v. Kapp* (2008) S.C.C. 41 and *Northwest Territories (Attorney General) v. Fédération Franco-Ténoise* (2008) NWTCA 6.

- Commitments that government must respect, protect and take concrete action to fulfill as the result of the International Conventions ratified by Canada.

Consultation on Language Legislation

- Eight years of discussion were involved in developing a new language policy approach for Nunavut, and the associated legislation. The formal process was started by a special committee of the Legislative Assembly in 2000 which worked for three years and produced 18 key recommendations.
- A Language Legislation Steering Committee was established in 2004. That Committee, which involved NTI, the Languages Commissioner, and Government of Nunavut, undertook consultation and provided direction in developing the legislation.
- Draft bills were tabled in the Legislature in March 2007 so that there could be public discussion and input about the actual wording proposed. After this tabling, five roundtable meetings were led by the Language Legislation Steering Committee which allowed NTI and the Languages Commission to directly participate in the process.
- Following revisions, Bill 6 and Bill 7 were introduced in the Legislative Assembly in June 2007. *Ajauqtiit* Standing Committee then began their work of reviewing the legislation from their unique perspective as elected representatives. During the fall, 2007, they conducted further public hearings and meetings and invited written submissions from the public and other interested parties.
- *Ajauqtiit* held a further public meeting with Minister Tapardjuk in December 2007 where Bill 6 and Bill 7 were discussed in depth. Based on the submissions received at the consultations in the fall further amendments were proposed and adopted during the review process before *Ajauqtiit* Standing Committee.
- The *Official Languages Act* was approved by the Nunavut Legislative Assembly in June 2008. It requires approval of the Parliament and Senate of Canada and has been forwarded to the federal government for that approval.
- The *Inuit Language Protection Act* was approved by the Nunavut Legislative Assembly on September 18, 2008 and proclaimed. The parts requiring Inuit Language promotion and implementation planning are now in effect.

Key provisions of the *Inuit Language Protection Act*

The Act affirms that the Inuit of Nunavut have an inherent right to the use of the Inuit Language, and that positive action is necessary to protect and promote the Inuit Language and Inuit cultural expression.

It responds to Article 23 of the *Nunavut Land Claims Agreement* regarding a representative public service and to Article 32, the obligation to design and deliver government programs and services, including their method of delivery, in a manner that is responsive to the linguistic goals and objectives of Inuit.

It affirms the commitment to uphold government's language obligations toward English and French speakers.

The *Inuit Language Protection Act* is human rights legislation, the most powerful form of legislation that the Nunavut Legislative Assembly can enact. It has quasi-constitutional status in law.

The concrete guarantees set out in the *Inuit Language Protection Act* include:

- The right to Inuit Language instruction in the school system that prepares children to enter adult life having a rich knowledge of the Inuit language and full ability to use it; and
- The right to work in the Inuit Language in territorial government institutions thus supporting a representative public service and the full participation of Inuit in it.
- That the Inuit Language can be used daily in services and communication with the public by governments, municipalities, community organizations and business:
 - in reception and customer services and on signs, posters, and advertising,
 - for essential, household, residential and hospitality services including on all notices, warnings, instructions, bills and invoices
 - in municipal services concerning public safety and welfare.

To assist in realizing its wider objectives Bill 7 also:

- Supports the importance of the use of the Inuit Language in early childhood and adult education through the development of materials and programs;
- Addresses the need for language revitalization, particularly in communities and age groups with special concerns of language loss;
- Ensures language standards and the development of new terms by establishing the Inuit Uqausinginnik Taiguusiliuqtiit;
- Establishes a Minister of Languages with responsibility to oversee the implementation of the legislation and promote the Inuit Language; and
- Supports an enhanced role for the Languages Commissioner to use her powers as an ombudsman to resolve concerns through positive means or, if necessary, by investigating and reporting about applications filed under the Act to ensure compliance.

Next Steps

- The *Inuit Language Protection Act* will be phased in as follows:
 - Inuit Language services to the public: coming into force is deferred to allow governments, municipalities, businesses, community organizations, and others in the public and private sectors the time they need ensure they have the required Inuit Language capabilities in place.
 - Municipal services in the Inuit Language: comes into force on September 18, 2012.
 - Inuit Language instruction: comes into force for K-3 on July 1, 2009, and gradually for all other grades until July 1, 2019. This will allow time for

the standard setting, teacher training and materials preparation required to comply with section 8.

- Language of work in the public service: comes into force on September 18, 2011 to allow the territorial government time to prepare staff for the change and ensure training programs are in place.
 - Inuit Uqausinginnik Taiguusiliuqtiit: will have been established, and will be responsible to exercise its powers and perform its duties by September 18, 2009 or earlier. Implementation requirements, including a request for nominations and the establishment of committees required to consider those nominations will begin immediately.
 - Minister of Languages: the Minister's duties to promote the Inuit Language, and to coordinate consultation and implementation activities come into force immediately.
 - Languages Commissioner: on July 1, 2009 the first day when Inuit language rights and duties will be actively in force, the Languages Commissioner's role and duties under Bill 7 will also come into force. In the meantime, the Commissioner's existing mandate under the Official Languages Act will continue.
- The Minister of Languages will immediately begin to prepare a detailed plan to implement all aspects of the legislation. As Bill 7 requires, this will be developed through consultation with territorial institutions, municipalities, Inuit and members of the Anglophone and Francophone communities, among other stakeholders. The present target for this process is to complete the Comprehensive Implementation Plan and have it tabled before the Legislative Assembly during the Fall of 2009.