

ITK Submission to the
House of Commons Standing Committee on Canadian Heritage
 Bill C-91: *An Act respecting Indigenous Languages*

February 21, 2019

Background

Inuit are one people sharing a common language, Inuktitut. The majority of the 65,000 Inuit in Canada live in 51 communities throughout Inuit Nunangat, our homeland, whose existence predates Canada. Inuit Nunangat is a distinct geographic, political, and cultural region that includes the Inuvialuit Settlement Region, Nunavut, Nunavik, and Nunatsiavut. This region makes up nearly one-third of Canada’s landmass and half of its coastline.

Eighty four percent of Inuit in Inuit Nunangat report an ability to speak Inuktitut, making our language the most resilient indigenous language in Canada.¹ However, a more complex picture of language status emerges when taking into account conversational ability and language of the household: 58 percent of Inuit within Inuit Nunangat report being able to speak Inuktitut well enough to conduct a conversation and only 40 percent report that Inuktitut is the language used most often at home.²

Percent of Inuit reporting being able to converse in Inuktitut², using Inuktitut at home and with Inuktitut as their mother tongue, 2016

	Able to converse in Inuktitut [%]	Inuktitut used most at home [%]	Inuktitut mother tongue [%]
Language by age group			
Inuit of all ages in Canada	64%	45%	57%
0-14 years	65%	48%	56%
15-24 years	64%	46%	57%
25-64 years	64%	42%	58%
65 years and over	61%	46%	61%
Language by Inuit region			
Nunatsiavut	21%	5%	17%
Nunavik	99%	95%	98%
Nunavut	89%	58%	77%
Inuvialuit region	22%	1%	16%
Outside Inuit Nunangat	11%	2%	10%

Source: Statistics Canada, Census of Population, 2016.

Inuktitut is an official language in the Northwest Territories and Nunavut, and is an official administrative language of the Nunatsiavut Government, whose jurisdiction encompasses northern Labrador. Inuktitut is particularly resilient in Nunavut and Nunavik, where Inuktitut is the language used most often in the home.

¹ Statistics Canada, “The Aboriginal languages of First Nations people, Metis and Inuit,” October 25, 2017, accessed February 19, 2019, <https://www12.statcan.gc.ca/census-recensement/2016/as-sa/98-200-x/2016022/98-200-x2016022-eng.cfm>.

² Inuit Tapiriit Kanatami, *Inuit Statistical Profile 2018*, 21, accessed February 19, 2019, <https://www.itk.ca/wp-content/uploads/2018/08/Inuit-Statistical-Profile.pdf>.

The Government of Canada sought to eradicate Inuktitut and culturally assimilate Inuit through the imposition of federal day and residential schooling on our people.³ Inuktitut survives today due to the resilience and vigilance of Inuit who transmitted our language to subsequent generations of our people in spite of these policies. Inuktitut is considered threatened in Nunavut and Nunavik and is endangered in the Northwest Territories and Nunatsiavut despite existing legal protections for Inuktitut and the tireless commitment of our people to transmit and use our language.

Inuktitut is unique among indigenous languages in Canada

Inuktitut is unique among indigenous languages because of its relative strength as well as for benefitting from legislative protection in the Northwest Territories and Nunavut. Inuktitut has official language status in the Northwest Territories and Nunavut through the official languages acts in those territories. Languages Commissioners in the Northwest Territories and Nunavut investigate complaints related to the legal obligations of territorial governments to respect Inuktitut as an official language and provide remedies for cases of non-compliance. The *Labrador Inuit Constitution* recognizes Inuktitut as an official administrative language of the Nunatsiavut Government, compelling the translation of Nunatsiavut Government documents into Inuktitut.⁴

In addition to being an official language in Nunavut, Inuktitut enjoys further protection through Nunavut's 2008 *Inuit Language Protection Act*.⁵ This legislation created a territorial Inuit language authority, affirms the right of Inuit to work for the Government of Nunavut in Inuktitut, obligates municipal governments to provide services in Inuktitut, and affirms the right of all Nunavut residents to Inuktitut language of instruction from grades K-12 by July 1, 2019. In contrast to Nunavut, Inuktitut language rights are not officially recognized or legislated in Nunavik, nor does Inuktitut benefit from provincial sources of financial support or programs in that province.

ITK is seeking to amend Bill C-91 to include substantive Inuktitut-specific provisions that recognize and build upon existing statutory protections for Inuktitut. We do not accept that a federal government focused on reconciliation with indigenous peoples would contemplate providing weaker protections for Inuktitut than those provided by territorial, provincial or Inuit governments.

National indigenous languages legislation

ITK initially welcomed this legislative initiative as an opportunity to build on existing rights for Inuktitut, to complement initiatives advanced by territorial, provincial governments and Inuit and to close legislative and policy gaps that enable continued discrimination against Inuktitut speakers. However, Bill C-91 does not reflect any of the input or proposed legislative provisions shared with the department of Canadian Heritage by Inuit. Despite being characterized as a reconciliation and co-development initiative, the absence of any Inuit-specific content suggests that Bill C-91 is yet another legislative initiative developed behind closed doors by a colonial system and then imposed on Inuit.

Discrimination against Inuktitut speakers occurs in three main ways: first, through the inequitable provision of federal funding for Inuktitut compared to French and English; second, through differential funding

³ Legacy of Hope Foundation, *We were so far away: The Inuit experience of residential schools* (Ottawa, ON: Legacy of Hope Foundation, 2010).

⁴ *Nunatsiavut Constitution Act, Statutes of Nunatsiavut*, 2005, N-3.

⁵ *Inuit Language Protection Act, Statutes of Nunavut*, 2008, c.17.

arrangements that discriminate against Inuit living in provinces; and third, by requiring Inuktitut speakers to speak English and French to access federal services throughout Inuit Nunangat.

Inuktitut speakers are discriminated against through inequitable per capita federal funding for English and French speakers throughout Inuit Nunangat, despite Inuktitut being the majority mother tongue in this region. Under the terms of the 2017-2020 Canada-Nunavut Agreement on French Services and Inuktitut Language, for example, approximately \$8,189 is allocated for each French speaker compared to \$186 per Inuktitut speaker per year. Neither Bill C-91, as currently drafted, nor any federal policy-maker, has expressed any interest in ensuring that Inuktitut and by extension Inuit, receive the same dignity that English or French Canadians receive within Inuit Nunangat.

Inuktitut speakers experience differential treatment by the federal government depending on where they reside in Canada. Despite being one people, Inuit living in provinces are excluded from negotiating transfer agreements with the department of Canadian Heritage that would support Inuktitut revitalization, maintenance, and promotion activities. The Government of Nunavut and Government of the Northwest Territories receive federal funding from the department of Canadian Heritage for the revitalization, maintenance and promotion of Inuktitut through transfer agreements funded by the Development of Official Language Communities Program and the Aboriginal Peoples' Program. Nunavut Tunngavik Inc. and the Inuvialuit Regional Corporation should be party to these bilateral agreements on behalf of Inuit in their respective regions in the future, and the Minister of Canadian Heritage should be obligated to negotiate similar agreements with representatives of Inuit and governments in Nunavik and Nunatsiavut.

The Government of Quebec and the Government of Newfoundland and Labrador do not provide dedicated funding for the revitalization, maintenance and promotion of Inuktitut in their jurisdictions. In the absence of formal recognition, legislation, or Inuktitut-specific language policies in these jurisdictions, the Aboriginal Languages Program administered by the department of Canadian Heritage is effectively the only source of formal, dedicated government support for Inuktitut projects and initiatives in Nunavik and Nunatsiavut. Despite its flaws, Inuit welcomed recent improvements to the ALI program made by the previous Minister of Canadian Heritage, which included broadening the scope of its funding eligibility criteria as well as transitioning the program from an annual to multiyear grant program.

Bill C-91 would eliminate the ALI program entirely, ostensibly replacing it with a national indigenous languages commissioner's office. The creation of a national indigenous languages commissioner's office is the centrepiece of Bill C-91, yet the prescribed duties of this office would render it powerless to provide remedies to the day-to-day challenges faced by Inuktitut speakers. This office would be burdened by costly and onerous reporting duties that serve to consume resources best directed to Inuit and other indigenous peoples.

In addition to the inequitable provision of federal funding for Inuktitut, statutory gaps exist that prevent Inuit from being able to access federal services in our language. Inuit face consequential linguistic barriers when it comes to accessing public services, especially within the majority Inuktitut speaking regions of Nunavut and Nunavik.⁶ This problem is particularly acute in law enforcement, where the limited number of Inuktitut speaking RCMP officers contributes to underreporting of violent crime, and family violence in particular.⁷

⁶ Office of the Languages Commissioner of Nunavut, *2017-2018 Annual Report*, 208, accessed February 14, 2019, http://langcom.nu.ca/sites/langcom.nu.ca/files/OLCN%20%20Annual%20Report_17-18%20Combined%20PDF_1.pdf.

⁷ Pauktuutit Inuit Women of Canada, "National inquiry into missing and murdered indigenous women and girls: Written submission of Pauktuutit, Anânaukatiget Tuminqit, Saturviit, The Ottawa Inuit Children's Centre and the Manitoba Inuit Association," 10, accessed February 21, 2019, <https://www.pauktuutit.ca/wp->

Furthermore, the Senate Standing Committee on Fisheries and Oceans has reported on the risks to public safety that exist as a result of the limited number of Inuktitut speakers within the Canadian Coast Guard (CCG), and has recommended that CCG recruit people who speak Inuktitut.⁸ Similar barriers are well documented within Quebec’s provincial justice system.⁹ Furthermore, linguistic barriers have even served to undermine the federal government’s ability to discharge its duty to consult and accommodate Inuit.¹⁰ By suggesting federal services should be provided to Inuit in Inuktitut, Inuit are suggesting tangible improvements to the ability of federal programs and services to support social and economic development within Inuit Nunangat.

The Legislative Development Process

ITK made it clear when this legislative initiative was launched on June 15, 2017 that we expected to co-develop a bill that would be distinctions-based and transformative.¹¹ In fact, the previous Minister of Canadian Heritage provided assurance to ITK that it would be possible for the bill to include an Inuktitut-specific part whose provisions would address the distinct political, cultural, and linguistic realities of Inuit Nunangat. Securing this assurance was a pre-requisite to ITK’s participation in engagement sessions convened by PCH with the Assembly of First Nations and Metis Nation between June 2017 and October 2018. Furthermore, it was on the basis of this commitment that ITK engaged in a series of parallel bilateral meetings with the department of Canadian Heritage throughout the past two years.

Throughout this process, ITK shared documents proposing legislative content for inclusion in the bill with the Minister of Canadian Heritage and senior officials within the department. These documents include: a national Inuit position paper on indigenous languages legislation (November 20, 2017)¹²; draft standalone Inuktitut bill (August 2, 2018)¹³; and a core Inuktitut provisions document (November 19, 2018).¹⁴

[content/uploads/written-submission-final-website.pdf](#).

⁸ Senate Standing Committee on Fisheries and Oceans, *When every minute counts: Maritime search and rescue*, November 2018, accessed February 21, 2019, [https://sencanada.ca/content/sen/committee/421/POFO/reports/MaritimeSARReport_e\(forweb\)_e.pdf](https://sencanada.ca/content/sen/committee/421/POFO/reports/MaritimeSARReport_e(forweb)_e.pdf).

⁹ Le Protecteur du Citoyen, Special report by the Quebec Ombudsman (summary): Detention conditions, administration of justice and crime prevention in Nunavik (Quebec City, February 18, 2016), accessed February 14, 2019, <http://s3.documentcloud.org/documents/2714831/2016-02-18-Detention-Conditions-in-Nunavik.pdf>.

¹⁰ *Clyde River (Hamlet) v. Petroleum Geo-Services Inc.* [2017] 1 S.C.R. 1069.

¹¹ Government of Canada, “Important step taken toward co-development of Indigenous languages legislation in meeting between Government of Canada, Metis, Inuit and First Nations leaders,” June 15, 2017, accessed February 14, 2019, https://www.canada.ca/en/canadian-heritage/news/2017/06/important_step_takentowardco-developmentofindigenousslanguagesleg.html.

¹² Inuit Tapiriit Kanatami, *National Inuit position on federal legislation in relation to the Inuktitut language*, November 2017, accessed February 14, 2019, <https://www.itk.ca/wp-content/uploads/2019/02/Inuktitut-position-paper.pdf>.

¹³ An Act concerning the use, revitalization, maintenance and promotion of Inuktitut and its recognition as an official language in Canada, August 2, 2018, accessed February 14, 2019, <https://www.itk.ca/wp-content/uploads/2019/02/Inuktitut-Language-Act-August-2-2018.pdf>

¹⁴ <https://www.itk.ca/wp-content/uploads/2019/02/Core-Inuktitut-provisions-18-November-2018.pdf>.

Without providing a serious counterproposal to the standalone Inuktitut bill, the federal government then requested that Inuit representatives develop a core provisions document. This document was drafted on an extremely short timeframe, to meet a professed deadline to table the bill in late November, and was provided to the federal government on November 19, 2019. To date, we have not received a written response to these core provisions.

Inuit were led to believe that this was a co-development initiative, whereby our ideas, feedback, and submissions to the department of Canadian Heritage would be respected and would contribute to a back-and-forth exchange of views and ideas. However, ITK was unaware that the Department of Canadian Heritage had developed materials and sponsored a Cabinet discussion which severely restricted the federal Crown's ability to engage in any back-and-forth regarding our positions. This led to a series of engagements in which Inuit communicated ideas which the federal government was either unwilling or unable to provide responses to.

Nevertheless, the government has suggested to Inuit that the Bill could be amended, through a bilateral Inuit-federal process, as a parallel legislative process to the Standing Committee's review of Bill C-91. Inuit are skeptical that any offers to continue meeting with the Minister are being made in good faith due to the fact that the government has not responded to any of our substantive proposals, has never counter-proposed, and seems generally indifferent to the differential treatment suffered by Inuktitut speakers throughout Inuit Nunangat.

Proposed amendments to Bill C-91

ITK has produced a thoughtful and reasonable discussion paper, which outlines Inuit interests in federal languages legislation. In order to provide additional clarity, we have developed a series of legislative provisions, which build upon that discussion paper and, in an effort to seek engagement with the federal government, a series of 11 core provisions for inclusion in federal languages legislation. The following proposed amendments to Bill C-91 would ensure that Inuktitut speakers experience tangible benefits as a result of this legislative initiative. Therefore, the following proposed amendments seek to remedy the longstanding, practical barriers Inuktitut speakers face in going about our day-to-day lives, and would enable more effective and impactful federal support for efforts to revitalize endangered dialects of our language.

INUIT TAPIIRIIT KANATAMI'S PROPOSED AMENDMENTS TO BILL C-91
(INDIGENOUS LANGUAGES ACT)

The text of Bill C-91 is amended by inserting the following provisions immediately after section 11:

- X1. *The Minister must pursue, in close consultation with relevant Indigenous governing bodies, the development of a separate Annex to this Act in relation to Inuktitut.*
- X2. *The Annex referred to in section X1 may address the following:*
- (a) status of Inuktitut in a specified community, region, or other geographic area;*
 - (b) collaboration with one or more indigenous governing bodies or organizations;*
 - (c) use of Inuktitut in the delivery of federal programs and services;*
 - (d) in a manner consistent with the powers and jurisdictions of the provinces, measures to support the provision of Inuktitut language programs and services in relation to education, health, and the administration of justice;*
 - (e) use of Inuktitut in the federal public service in a specified community, region or other geographic area;*
 - (f) standards to govern federal financial support for Inuktitut, and specified levels of support;*
 - (g) the role of an indigenous governing body or organization in the negotiation of intergovernmental agreements in relation to Inuktitut;*
 - (h) timelines and schedules for implementation measures; and*
 - (i) any other similar matters consistent with the purposes of the Act.*
- X3. *The Minister may, by order, amend the Inuktitut Annex, with the consent of the relevant Indigenous governing body.*
- X4. *The Governor in Council may make regulations to assist in the implementation of the Inuktitut Annex.*

[Note: Annex to be adopted as Part of the Act.]

ANNEX: INUKTUT

Introduction

1. *In addition to the provisions of all other parts of this Act, the provisions of this Annex shall apply to Inuit and Inuit Nunangat.*

Principles

2. *Interpretation and implementation of this Annex are guided by the following principles:*
 - (a) *Inuit Nunangat is the Inuit homeland in Canada;*
 - (b) *Inuktitut is an original language of Canada, and is spoken as the first language of the majority of Inuit Nunangat residents; and,*
 - (c) *effective public administration in Inuit Nunangat is optimized by delivery of programs and services in the first language of recipients.*

Definitions

3. *In this Annex,*

“Inuit Nunangat” means the Inuit homeland in Canada. It is a distinct cultural, political, and geographical area composed of the four Inuit regions whose boundaries have been defined in treaty and statute;

“Inuit region” means the Inuvialuit Settlement Region, the Nunavut Settlement Area, Nunavik, and Nunatsiavut;

“Inuktitut” means the Indigenous language spoken by Inuit in Canada, including Inuinnaqtun, Inuktitut, Inuttut, Inuvialuktun, and associated dialects and subdialects.

Status of Inuktitut

4. (1) *Parliament hereby recognizes the status of Inuktitut as an original language of Canada, the original language of Inuit Nunangat, and the first language of the majority of Inuit Nunangat residents.*
- (2) *The Government of Canada is committed to taking such initiatives, and to applying such resources, as to sustain and enrich that status.*
- (3) *As part of those initiatives, the Government of Canada commits, consistent with regulations relating to the commencement, scope, priority and timing of delivery, to the delivery of federal programs and services in Inuktitut in Inuit Nunangat to the extent that demand requires and capacity allows.*
- (4) *The reference to limitations of capacity in subsection 4(3) does not detract from the federal commitment to build such capacity.*
- (5) *The Government of Canada must apply the provisions of this Annex with respect to the use of Inuktitut outside Inuit Nunangat where numbers of Inuktitut speakers warrant.*

Close Collaboration
5. *The Government of Canada must pursue the objectives, and meet its commitments, in relation to this Annex in close collaboration with Inuit governing bodies.*

Funding

6. *In providing funding resources that are adequate, sustainable, and long-term in relation to Inuktitut, the Government of Canada must also ensure that such resources:*

- (a) are culturally appropriate;*
- (b) meet the actual and specific needs of Inuit;*
- (c) aim to advance Inuktitut as the primary language spoken by every sector of society in Inuit Nunangat;*
- (d) are comparable in terms of quality and accessibility to the services offered to other Canadians; and*
- (e) are equitable, on a per capita basis, with funding support provided for minority English and French language education in Inuit Nunangat and other parts of Canada.*

7. *The Government of Canada must pursue the negotiation, conclusion, and maintenance of a separate funding agreement, with relevant Inuit governing bodies indicating specific levels of funding for a term of five years or more, with a view to completing such an agreement within twelve months of the coming into force of the Act.*

Education, Health, and Justice

8. (1) *The Government of Canada must take effective measures to support the advancement and implementation of education in Inuktitut within Inuit Nunangat.*

(2) *The Government of Canada must take effective measures to support the advancement and implementation of health services in Inuktitut.*

(3) *The Government of Canada must take effective measures to support the advancement and implementation of justice in Inuktitut within Inuit Nunangat.*

Language of Work in Federal Departments and Agencies

9. (1) *The Government of Canada must ensure that its workforce in Inuit Nunangat reflects, at all levels, the Inuktitut speaking proportion of the residents of Inuit regions and communities.*

(2) *Every federal department and agency has the duty to ensure a workplace environment in Inuit Nunangat that supports, accommodates and encourages the use of Inuktitut by its officers and employees, giving appropriate priority and weight to Inuktitut language skills and making effective use of Inuktitut language training and upgrading.*

Intergovernmental Agreements

10. *The Government of Canada must include an Inuit representative organization as a party to any new or renewed intergovernmental agreement with a provincial or territorial government department or agency in relation to Inuktitut, including any intergovernmental funding agreement in relation to Inuktitut.*