

**Standing Committee on Indigenous and Northern Affairs**  
**Indigenous Languages Study**  
**February 3, 2023**

*Boozhoo, Maiigun Giizhik Ikwe, Maiingun Nindodem Sagkeeng Nindonjibaa*

My name is Lorena Sekwan Fontaine. I am Cree Anishnaabe and a member of the Sagkeeng First Nation. My maternal ancestral lineage is from the Opaskwayak Cree Nation. For most of my academic career, I have advocated for the advancement of Indigenous language rights in education. As an Associate Professor in Human Rights, I teach courses on Indigenous language rights and linguicide. I am also co-director of the Indigenous language programs at the University of Winnipeg where students can earn a degree in Indigenous languages or a certificate in teaching Indigenous languages. My Master of Law Degree is from the University of Arizona's Indigenous Peoples law and policy program where I acquired training in international law to advance Indigenous peoples right to culture and language. My PhD research on Indigenous language rights in Canada was presented in a CBC documentary entitled "Undoing Linguicide."

I have been personally impacted by language loss due to the federal government's assimilation policy that was instituted in Canada's educational system in the late nineteenth century. My grandparents as well as my parents were physically punished for speaking an Aboriginal language by the nuns and priests that oversaw their education and care. The abuse my family experienced impacted the transmission of my ancestral languages. My siblings and cousins and I were never taught to speak our ancestral language at home, and we did not have the option to learn our ancestral language at school.

Given the history of systematic attempts to suppress Indigenous languages, it is particularly important for legislation aiming to protect and promote Indigenous languages have clearly

defined enforceable rights. The Supreme Court of Canada's decision in *R v Beaulac* indicates why enforceable rights are important:

Language rights are not negative rights, or passive rights; they can only be enjoyed if the means are provided. This is consistent with the notion favoured in the area of international law that the freedom to choose is meaningless in the absence of a duty of the State to take positive steps to implement language guarantees ... <sup>1</sup>

The right to language education has been recognized in the *Charter of Rights and Freedoms* for over 30 years. As a result, children can be educated in French or English from kindergarten to grade twelve at the public's expense and can continue their education in either language in post-secondary. The purpose of section 23 of the *Charter of Rights and Freedoms* including its remedial nature was described in *Mahe v Alberta*, [1990] 1 SCR 342 at 362-364:

The general purpose of s. 23 is clear: it is to preserve and promote the two official languages of Canada, and their respective cultures, by ensuring that each language flourishes, as far as possible, in provinces where it is not spoken by the majority of the population. The section aims at achieving this goal by granting minority language educational rights to minority language parents throughout Canada.

Similar recognition was granted by the Royal Commission on Bilingualism and Biculturalism, itself a major force in the eventual entrenchment of language rights in the Charter of Rights and Freedoms. At page 19 of Book II of its report, the Commission commented on the role of minority language schools:

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<sup>1</sup> *R. v. Beaulac* [1999] 1 S.C.R. 768 at par. 20,

These schools are essential for the development of both official languages and cultures; . . . the aim must be to provide for members of the minority an education appropriate to their linguistic and cultural identity . . . [Emphasis added.] In addition, it is worth noting that minority schools themselves provide community centres where the promotion and preservation of minority language culture can occur; they provide needed locations where the minority community can meet and facilities which they can use to express their culture.

Over the past few years, there has been some movement in Indigenous language education. In Winnipeg, three bilingual programs were launched in 2016. First, a Cree and Ojibway bilingual programs started at Isaac Brock School at the kindergarten level. Seven Oakes School Division also launched an Ojibway bilingual program at Riverbend Community school. Students in these programs receive 50% of their education in Ojibway or Cree and 50% in English. Currently these programs offer classes up to grade six, the hope is to eventually have the bilingual program offered up to grade twelve. All three bilingual programs have been managing but face many challenges in their day-to-day operation.

The success Indigenous language programs generally whether they are in urban areas or on reserve are dependent on resources and adequate support in several areas such as the development of teacher training programs that are specific to teaching Indigenous languages.<sup>2</sup> Developing teaching methodologies for teaching second language learners is essential for the success of these programs. Evaluation and assessment methods to assess second language

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<sup>2</sup> A recent school survey on Indigenous Languages Teacher Training by the Manitoba Indigenous Inclusion Directorate confirmed that **1189 Indigenous Languages Teachers are urgently currently required**. See: Manitoba School Survey on Indigenous Languages Teaching, Indigenous Inclusion Directorate, Education and Early Childhood Learning, 2021. [https://www.edu.gov.mb.ca/iid/indigenous\\_languages.html?print](https://www.edu.gov.mb.ca/iid/indigenous_languages.html?print)

learners is equally important to ensure students' progress with their language acquisition. Assisting teachers obtain effective pedagogy and professional development in areas such as report cards, cultural competency and technology are also important. Networking opportunities with Indigenous language teachers from other jurisdictions to gain insight into best practices would also be helpful. There is also dire need for resources to hire full time curriculum developers and other language resources that are necessary for these programs. Indigenous peoples

With the current review of the *Indigenous Languages Act* and the federal government's commitment to ensure that the laws of Canada are consistent with the United Nations *Declaration on the Rights of Indigenous Peoples* there is an opportunity ensure that Indigenous peoples have language rights to education. One of the main purposes of the legislation is to "support and promote the use of Indigenous languages" and to "support Indigenous language learning and cultural activities – immersion programs – to increase the number of speakers ..."<sup>3</sup> There is currently no duty placed on the government to fund language education programs such as immersion. With no defined right to language in the legislation, Indigenous peoples have no right to adopt any policies or programs related to Indigenous languages.

My recommendation is that section 6 of the *Indigenous Languages Act* be amended to include section 14 of the United Nations *Declaration on the Rights of Indigenous Peoples* which indicates that:

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<sup>3</sup> Section 5 of the *Indigenous Languages Act*

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

**Recommendation:**

**Amending the *Indigenous Languages Act* to include a defined right to Aboriginal language education in section 6 as well as a positive duty on the federal government in section 8.**